



# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ - ೧೫೭ Volume - 157	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ೧೯, ಸೆಪ್ಟೆಂಬರ್, ೨೦೨೨(ಭಾದ್ರಪದ, ೨೮, ಶಕವರ್ಷ, ೧೯೪೪) BENGALURU, MONDAY, 19, SEPTEMBER, 2022(BHADRAPADA, 28, SHAKAVARSHA, 1944)	ಸಂಚಿಕೆ ೧೮೯ Issue 189
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ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,  
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ  
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು  
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ  
ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 25 ಕೇನಿಪ್ರ 2022

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12.09.2022.

ದಿನಾಂಕ: 14.06.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Inland Vessels (Insurance, Limitation of  
Liability and Obligations of Service Providers and Service Users) Rules, 2022ರ Notification-  
G.S.R.449(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು  
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF PORTS, SHIPPING AND WATERWAYS****NOTIFICATION**

New Delhi, the 14th June, 2022

**G.S.R. 449 (E).**—Whereas draft of the Inland Vessels (Insurance, Limitation of Liability and Obligations of Service Providers and Service Users ) Rules, 2022 were published, as required under sub-section (1) of section 106 of the Inland Vessels Act, 2021 (24 of 2021), *vide* notification of the Government of India in the Ministry of Ports, Shipping and Waterways *vide* number G.S.R. 150 (E) dated the 23<sup>rd</sup> February, 2022, in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i) dated the 23<sup>rd</sup> February 2022 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to public;

And, whereas, copies of the said Gazette notification were made available to the public on 23<sup>rd</sup> February, 2022;

And, whereas the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government.

Now, therefore in exercise of the powers conferred by section 59, sub-section (5) of section 64, sub-sections (1) and (2) of section 68, section 73, section 80, section 81, sub-sections (1), (2) and (3) of section 82, clause (e) of sub-section (1) of section 98 read with clauses (zq) to (zz) of sub-section (2) of section 106 of the Inland Vessels Act, 2021, the Central Government hereby makes the following rules, namely:—

**CHAPTER-I****PRELIMINARY**

**1. Short title and commencement.**— (1) These Rules may be called the Inland Vessels (Insurance, Limitation of Liability and Obligations of Service Providers and Service Users) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**— (1) In these rules, unless the context otherwise requires –

- (a) ‘Act’ means the Inland Vessels Act, 2021 (24 of 2021);
- (b) “accident” means an accident involving the of inland vessel while within inland waters or within the waters notified by the Central Government;
- (c) “Form” means the forms appended to these Rules;
- (d) “insurance company” means the insurance company with which the mechanically propelled inland vessel was insured for the relevant period;
- (e) “insurer” shall have the same meaning assigned within clause (a) of section 2 of the Insurance Act, 1938 (4 of 1938) and shall include any foreign company engaged in the business of insurance recognized and notified by the Central Government;
- (f) “legal representative” shall have the same meaning assigned to it in clause (11) of section 2 of the Code of Civil Procedure, 1908 (5 of 1908);
- (g) “marine insurance”, shall have the same meaning assigned to it in sections 3 and 4 of the Marine Insurance Act, 1963 (11 of 1963);
- (h) “warranty” means an express or implied term or condition by which the insured undertakes that any particular act shall be acted upon or abstained from acting upon or that any condition shall be fulfilled or the existence of any particular state of facts is affirmed or negated; and that, such a term or condition whether it is material to the risk or not, shall absolutely be complied with.

(2) Words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

**CHAPTER II – INSURANCE OF MECHANICALLY PROPELLED INLAND VESSELS**

**3. Duty to indemnify.**— (1) Notwithstanding anything contained in any other for the time being in force, an insurer issuing a certificate of insurance under Chapter XII of the Act and in compliance with this rule shall be liable to indemnify the insured or any person as specified in the policy in respect of any liability to which the policy purports to cover.

(2) Where liability of the insured arises with respect to any claim by a third party, the corresponding liability of the insurer to indemnify the insured shall be the amount paid or payable by the insured to such third party in respect of such liability.

(3) Unless the insurance policy otherwise provides and subject to the provisions of the Act, the insurer is liable for successive losses, if the total amount of such losses exceed the sum insured.

**4. Duties of the insured.**— (1) The contract of insurance shall be based on the principle of good faith and either party to the insurance contract may avoid his obligations, if the other party is proven to have failed to observe the principle of good faith.

(2) The insured shall disclose to the insurer, every material circumstance that are in the knowledge of the insured and in the ordinary course of business.

(3) The insured is deemed to know all material particulars and upon proven failure of such disclosure, shall entitle the insurer to avoid the contract of insurance.

Explanation.- For the purposes of sub-rule (2), the material circumstances shall include any circumstance, which may influence the judgment of a prudent insurer in exercising discretion to undertake the risk sought by the insured and to be covered by the insurer and for determining the premium.

(4) Notwithstanding anything contained in this rule, the insurer shall be presumed to possess knowledge of matters, which any insurer in the ordinary course of his business ought to know.

**5. Cover note.**— (1) Pending issuance of certificate of insurance under rule 7, the authorized insurer may issue cover note and the cover note shall contain the contents as provided in Form No 1.

(2) A cover note referred to in sub-rule (1) shall be valid for a period of thirty days from the date of its issue and subject to satisfaction of the terms and conditions, the insurer shall issue a policy of insurance before the date of expiry of the cover note.

**6. Policy of insurance and certificate of insurance.**— (1) The policy of insurance of the Act shall be reduced to writing as per the provisions of section 66 of the act and unless such a contract is embodied in a marine policy, it shall not be admitted in evidence.

(2) An authorised insurer shall issue to every holder of a policy of insurance, a certificate of insurance and such certificate of insurance shall contain contents as provided in Form No. 2, with respect to the insured vessel.

(3) The policy may be executed and issued, either at the time when the contract is concluded or subsequently.

**7. Authorised person to issue the cover note and certificate of insurance.**— Every certificate of insurance or cover note issued by any insurer in compliance with the provision of the Act and under these rules shall be duly authenticated by such person who is specifically authorised by such insurer, in this regard.

**8. Warranty.**— (1) Any warranty, that needs to be inferred as an express warranty, shall be included in the policy, in writing.

(2) The warranty as to the safety, security and fitness of the mechanically propelled inland vessel to engage or employ in any intended voyage or purpose, shall be an implied warranty that arises at the commencement of the voyage or operation of such vessel, where the insurance policy is attach to the vessel.

**9. Term of insurance.**— (1) The term of insurance shall be deemed to commence from the date of the issuance of the cover note, where the cover note is issued; and if the cover note is not issued, the date on which the premium is received by the insurer from the insured; and such insurance shall remain valid till the date on which the cover note is cancelled or the insurance is terminated or lapses by time; whichever later:

Provided that where the cover note is cancelled and the authorised insurer or the insured decides not to continue with the contract of insurance; the terms of insurance shall be deemed to end on the date of cancellation of cover note.

(2) For the purpose of sub-rule (1), unless otherwise agreed between the insurer and the insured, the duty of the insured to pay the premium and the duty of the insurer to issue the policy or the certificate of insurance to the insured shall operate concurrently.

(3) The maximum period of insurance shall be twelve months.

(4) Notwithstanding anything contained in any other provisions, the obligation of an insurer to indemnify the insured against any third party risks or claims, which has arisen during the subsistence of the insurance and covered in the insurance policy; shall continue to remain valid, even if the policy has lapsed by operation of time or contractual clauses.

**10. Inspection.**— The Inspectors under whose jurisdiction, a mechanically propelled inland vessel is positioned or located, may require the owner, operator or master of such vessel, to produce copy of the valid certificate of insurance carried on board such vessel.

**11. Detention.**— (1) Any inland vessel found plying within inland waters, without a valid certificate of insurance shall be detained with immediate effect, by an authorised officer or inspectors acting under rule 10.

(2) The cost incurred in detaining and maintaining the vessel, during such detention, if any, by the authorities; shall be levied on the owner of the vessel or on his property.

(3) Any vessel detained under sub-rule (1) shall be released on production of the valid certificate of insurance or cover note, issued under the Act by any authorized insurer and upon satisfactory payment of the cost as provided under sub-rule (2).

**12. Transfer of Policy of Insurance.**— (1) When the ownership of any mechanically propelled inland vessel is transferred to another person, then the prevailing policy of insurance that covers the vessel, shall automatically be deemed to be transferred to transferee from the date of transfer of ownership of the inland vessel.

(2) In the event of transfer as provided under sub-rule (1), the transferee, within fifteen days from the date on which the transfer is effected or recorded in the registry of vessels; shall intimate the details of the transfer, registration of the mechanically propelled inland vessel, the date of transfer, the details of the previous ownership and the number and date of the prevailing insurance policy; to the authorised insurer who issued the existing policy.

(3) Any authorised insurer, who decides to issue a fresh policy of insurance or cover note, to the transferee; upon receipt of such information mentioned in sub-rule (2), shall effect the changes by incorporating such changes, in the official records maintained by the authorised insurer.

(4) The authorised insurer, who has undertaken the obligation to provide the insurance coverage to any mechanically propelled inland vessel against the risks provided under section 66 of the Act; shall issue the certificate of insurance and the policy of insurance in compliance with the provisions of the Act to the transferee who has acquired the ownership of the vessel.

(5) For the purposes of the Act and this Chapter, any policy of insurance once transferred shall be treated anew, and the previous policy shall be deemed as cancelled and invalid from the date of the issuance of the fresh certificate of insurance and the policy of insurance, as the case may be.

**13. Exclusion of advertising matter.**— No certificate of insurance or cover note issued under the Act and this Chapter shall contain any advertising matter on the face or on the back thereof.

**14. Certificates of insurance lost, destroyed or mutilated beyond recovery.**— (1) Where the holder of a policy—

(a) lodges with an authorised insurer, a declaration in which he declares that the certificate of insurance issued to him by such insurer has been lost, destroyed or mutilated beyond recovery and sets out full particulars of the circumstances connected with the loss or destruction of the certificate and the efforts made to find it;

(b) returns to the authorised insurer the certificate of insurance issued to him by such insurer in a mutilated condition,

then the authorised insurer shall issue in lieu thereof a duplicate certificate of insurance with the word “Original in Duplicate” prominently endorsed to the effect.

(2) After issuance of a duplicate certificate of insurance under sub-rule (1) and on representation that a certificate of insurance has been lost, and if subsequently the original certificate is retrieved, the original certificate of insurance shall be surrendered to the insurer.

**15. Reporting of information.**— On receipt of direction or request from the Central Government or any State Government or any officer authorised in this behalf by the State Government; to provide information or such other particulars; any person, authority or insurer required under the provisions of this Chapter to maintain records of documents, shall provide such information without any fees or charges.

**16. Duty of insurers to satisfy Judgments and Awards.**— (1) If, after a certificate of insurance has been issued under this Chapter, in favour of the person by whom a policy has been effected, and if any Judgment or Award in respect of any such liability as is required to be covered by a policy, as mentioned in this Chapter is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the insurer shall, subject to the provisions of this rule, pay to the person entitled to the benefit of the decree any sum not exceeding the sum assured payable, as if he were the judgment debtor,

in respect of the liability, together with any amount payable in respect of costs and any amount payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by any authorised insurer under sub-rule (1) in respect of any Judgment or Award unless, before the commencement of the proceedings in which the Judgment or Award is given, the insurer has been served with notice of such proceedings, through the Court or, as the case may be; the Court appointed or authorised to process claim or of the bringing of the proceedings, or in respect of such Judgment or Award so long as execution is stayed thereon pending an appeal; and an insurer to whom notice of any such proceedings is so served shall be entitled to be made a party thereto and to defend the action on any of the following grounds, namely: —

(a) that there has been a breach of a specified condition of the policy, being a condition excluding the use of the mechanically propelled vessel; or

(b) for hire or reward, where the mechanically propelled vessel was found not fit to ply on the commencement of the voyage.

(3) Where any such judgment as is referred to in sub-rule (1) is obtained from a Court in a reciprocating country and in the case of a foreign judgment, by virtue of the provisions of section 13 of the Code of Civil Procedure, 1908 (5 of 1908) conclusive as to any matter adjudicated upon by it, the insurer (being an insurer registered under the Insurance Act, 1938 (4 of 1938) and whether or not he is registered under the corresponding law of the reciprocating country) shall be liable to the person entitled to the benefit of the decree in the manner and to the extent specified in sub-rule (1), as if the judgment were given by a Court in India:

Provided that no sum shall be payable by the insurer in respect of any such judgment unless, before the commencement of the proceedings in which the judgment is given, the insurer had been served the notice through the Court concerned, regarding institution of the proceedings and, the insurer to whom notice is so served is entitled under the corresponding law of the reciprocating country, to be made a party to the proceedings and to defend the action on grounds similar to those specified in sub-rule (2).

(4) Where a certificate of insurance has been issued under this Chapter or the provisions of the Act and in such certificate of insurance, if there is any condition that does not purport to provide liability of the insurer to cover risks in compliance with section 66 of the Act for reasons other than those in clause (b) of sub-rule (2); such condition or conditions in the certificate of Insurance shall be of no effect.

**17. Right to subrogation.** — Where the insurer indemnifies the liability of the insured, such insurer shall be entitled to take over the interest of the insured, as far as the insured has been indemnified; and the rights and remedies of the insured in respect of the subject matter insured subrogates to the insurer.

**18. Settlement between insurers and insured persons.** — (1) No settlement made by an insurer in respect of any claim raised by the claimant in respect of any liability of the nature referred in section 66 of the Act shall be valid, unless such claimant is a party to the settlement.

(2) Where a person who is insured under a policy issued for the purposes of the Act has become insolvent, or where, if such insured person is a company, a winding-up order has been made or a resolution for a voluntary winding-up has been passed with respect to the company, no agreement made between the insurer and the insured person after the liability has been incurred to the claimants and after the commencement of the insolvency or winding-up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured person after the commencement aforesaid shall be effective to defeat the rights transferred to the claimant under this rule, but those rights shall be the same as if no such agreement, waiver, assignment or disposition or payment has been made.

**19. Rights of claimants on insolvency of the insured.**— (1) When any contract of insurance is effected in accordance with the provisions of this Chapter, and if a person is insured against risks or liabilities, which he owes to claimants as provided in Section 66 of the Act, then —

(a) in the event of the person becoming insolvent or making a composition or arrangement with his creditors;

(b) where the insured person is a company, in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to the company or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge, any such liability incurred by the insured person and his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything to the contrary in any provision of law, be transferred to and vest in the claimants covered under this Chapter or under the Act to whom the liability was so incurred.

(2) Where an order for the administration of the estate of a deceased debtor is made according to the law of insolvency, then, if any debt provable in insolvency is owing by the deceased in respect of a liability to any claimant for the claims covered under this Chapter or the Act; against which he was insured under such contract of insurance in accordance with the provisions of the Act; then the deceased debtor's rights against the insurer in respect of that liability shall, notwithstanding anything to the contrary in any provision of law, be transferred to and shall vest in the person to whom the debt is owing.

(3) Any condition in a policy issued for the purposes of the Act or under this Chapter purporting either directly or indirectly to avoid the policy or to alter the rights of the parties hereunder upon the happening to the insured person of any of the events specified in clause (a) or clause (b) of sub-rule (1) or upon the making of an order for the administration of the estate of a deceased debtor according to the law of insolvency, shall be of no effect.

(4) Upon transfer under sub-rule (1) or sub-rule (2), the insurer shall be under the same liability to the claimants covered under the Act or under this Chapter, as he would have been the insured person.

**20. Insolvency not to affect liability.** — Where a certificate of insurance has been issued to the person by whom a policy has been effected, subsequent to which he becomes insolvent or bankrupt; then, notwithstanding anything contained in this Chapter, the liability of the insured and the authorised insurer shall remain with respect to nature of claims referred to in section 66 of the Act:

Provided that, nothing in this rule, shall affect the rights of insured to be indemnified by the authorised insurer or the rights of the claimants to bring direct action against the authorised insurer; who has undertaken the liability of the insured by virtue of the contract of insurance formed in compliance with the provisions of Chapter XII of the Act.

**21. Duty to give information as to particulars of insurance and status of insured.** — (1) Person against whom a claim is made in respect of any liability shall on demand by or on behalf of the person making the claim, state the details and particulars of insurance, including the extent of the risk or coverage and the like, as covered by such policy of insurance.

(2) In the event of any person becoming insolvent or making a composition or arrangement with his creditors or in the event of an order being made for the administration of the estate of deceased person according to the law of insolvency, or in the event of circumstances provided in rule 20, it shall be the duty of the insolvent debtor, personal representative of the deceased debtor or company, as the case may be, or the official assignee or receiver in insolvency, trustee, liquidator, receiver or manager, or person in possession of the property to give at the request of any person claiming that the insolvent debtor, deceased debtor or company, is under such liability to him as is covered by the provisions of the Act, the information as may reasonably be required by him for the purpose of ascertaining, whether any rights have been transferred to and vested in him, and for the purpose of enforcing such rights, if any; and any such contract of insurance as purports, whether directly or indirectly to avoid the contract or to alter the rights of the parties, upon giving of such information in the events aforesaid, or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

(3) The duty to give the information imposed by this rule shall include a duty to allow access to all contracts of insurance, receipts for premiums and such other relevant documents in the possession or power of the person on whom the duty is so imposed under the Act or such other laws in force in India.

### CHAPTER III - LIABILITY AND LIMITS – PROCEDURES

**22. Limits of liability.** — The rights of the persons, who are entitled to limit liability under section 64 of the Act with respect to the claims including passenger claims on any distinct occasion, shall be in accordance with the Schedule appended to these rules.

**23. Conduct barring right to limit.** — A person liable, shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss or recklessly and with knowledge that such loss may probably result his act.

**24. Limitation Fund.** — (1) Any person who is entitled to limit liability against whom a claim has been registered may constitute a fund in accordance with sub-section (6) of section 64 of the Act.

(2) The fund constituted under sub-rule (1) shall be equivalent to the limits of liability prescribed under rule 23 and shall comprise of the applicable interest from the date of occurrence of the event, which gave rise to the cause of action for the alleged liability, till the date of constitution of the limitation fund, as determined by the court.

(3) The limitation fund constituted under sub-rule (1) shall be made available for the payment of claims as enumerated under sub-section (1) of section 64 of the Act.

(4) Subject to rule 23, any person, who is entitled to limit liability, may constitute the fund either by depositing the amount or by producing a financial guarantee determined by the court.

(5) For the purposes of this rule, any fund constituted by the persons entitled to limit the liability, including the insurer shall be deemed to be constituted by any or all persons against whom the alleged claims are instituted.

**25. Disbursement of limitation fund.** — (1) Upon the adjudication of claims, the court may disburse the limitation fund, which has been constituted under rule 24 among the claimants, in proportion to such claims.

(2) While disbursing the fund as provided under sub-rule (1), the court may set-off the payments, if any made to the claimants by the persons liable or the insurer, prior to the constitution of the fund against the amount determined as payable; as it may deem fit and appropriate.

(3) Subsequent to satisfactory disbursement of fund towards the claims against which such fund has been constituted, the persons who have constituted the fund shall be entitled for reimbursement of the residue or excess amount remaining in the fund.

(4) For the purposes of sub-rule (3), any person, who has constituted the limitation fund, is entitled to claim the excess amount and for reimbursement of the residue amount, such person may apply to the respective court, before which the limitation fund has been constituted.

(5) Upon receipt of the application provided under sub-rule (4), the respective Court may release any amount found in excess and subsequent to the satisfactory payment of the claims against which fund has been constituted.

(6) Notwithstanding anything contained in sub-rule (5), the Court may retain the amount against such claims, which in its opinion, is necessary to be retained for future benefactors or claimants who has not pursue their claims subsequent to the institution of such claims; against which fund has been constituted:

Provided that Court shall not retain the residuary amount found in excess of the satisfaction of the claims for more than twelve months, from the date of final disposal or adjudication of such claims.

(7) If the persons who have constituted the fund or the claimants fail to claim the fund or the amount entitled to be received against the claims; within a period of two years, from the date of final adjudication of the claims; such excess amount shall be credited against the Development Fund constituted under section 86 of the Act and the Welfare Fund constituted under section 96 of the Act or both, in such proportions, as may deem fit by the respective State Government; in whose jurisdiction the fund has been constituted.

#### CHAPTER IV –RULES ON REGULATION OF TRADE PRACTICES

**26. Minimum terms of contract.** — (1) Every service provider shall provide for contractual terms consistent with the provisions of the Act and the rules made thereunder and shall stipulate the following:-

- (a) service provider shall ensure safe transportation;
- (b) the details of insurance, including validity, extent and the like;
- (c) restrictions, if any regarding the carriage of passengers or cargo; and
- (d) such other conditions as may be specified by the Central Government

(2) Every service user shall disclose the following to the service provider. —

- (a) true nature of cargo or luggage in the case of passengers, carried or entrusted to be carried by any vessel directly or indirectly by the service provider;
- (b) cargo is free of any danger and are safe to be carried on the inland vessel in the intended form of carriage or storage;
- (c) the cargo is packed, labelled and identified in accordance with the provisions of the Act and this rule; and
- (d) such other matter as may be required to be provided under any of the provisions of the act.

**27. Classification of dangerous goods and prohibited cargo.** — (1) Central Government or such authority or officer authorised by Central Government may issue guidelines or directives for the safe stowage and carriage of dangerous goods or cargo on board inland vessels from time to time.

- (2) All service providers undertaking the carriage of dangerous goods shall ensure that the dangerous goods are stowed and carried in compliance with the guidelines or directives, issued under sub-rule (1).
- (3) Central Government or such authority or authorised officer by general order, may publish, from time to time, the list of dangerous goods along with their categorisation, compatibility with the carriage of passengers and segregation, including the guidelines for their safe stowage and carriage on board inland vessels and the dangerous goods or cargo shall be categorised into the following: —

- (a) flammable liquid;
- (b) flammable solid;
- (c) oxidising substances;
- (d) toxic substances;
- (e) corrosive substances;
- (f) explosives;
- (g) non-toxic but flammable gas;
- (h) toxic but non-flammable gas; and
- (i) such other materials irrespective of its form or nature, as may be notified as dangerous goods or dangerous cargo.

(4) For the purposes of safe stowage and transportation of dangerous goods as per sub-rule (1), the Central Government may classify the dangerous goods identified in sub-rule (3) to be carried by the following class or category of mechanically propelled inland vessels which are used to—

- (a) carry, stow, or transport cargo alone,
- (b) carry or transport passengers alone, in which cargo is carried as baggage accompanying passengers; and
- (c) carry, stow or transport passengers and cargo.

(5) All service providers shall provide adequate information by clearly exhibiting the information as to their compliance with this rule.

(6) Any service provider who is found carrying dangerous goods, in contravention to this rule, shall be punishable under sub-section 3 of section 87 of the Act.

**28. Prohibited goods or cargo.** — (1) Central Government or such authority or authorised officer by Central Government may, from time to time, issue the list of goods or cargo, which the inland vessels are prohibited from carrying—

- (a) flammable goods that are spontaneously combustible substance;
- (b) toxic substances which are infectious in nature;
- (c) radioactive substances or any compound containing radioactive materials including waste;
- (d) wastes carried as cargo intended to be dumped in inland waters; and
- (e) such other materials irrespective of its form or nature as may be enlisted as prohibited goods or cargo.

(2) Any service provider who is found carrying prohibited goods or cargo, shall be punishable under sub-section (3) of section 87 of the Act.

**29. Packing, labelling and manner of display of class labels for dangerous goods or dangerous cargo.** —

(1) The service user shall reveal the nature of dangerous goods or dangerous cargo to the service provider and shall pack, label and display the class of dangerous goods or dangerous cargo in compliance with instructions for the safe transport of dangerous goods or dangerous cargo by inland waterways, approved and issued by the Central Government or any other authority or officer authorised, by the Central Government from time to time.

(2) There shall be no presumption of knowledge on the part of the service provider with respect to the declaration of nature, packing, labelling, marking and display of class labels of dangerous goods or dangerous cargo by the service user:

Provided that the service provider shall not be held liable for the consequences arising from the acts committed by the service user in contravention to this rule.

(3) Notwithstanding anything contained in sub-rule (2), service provider may verify and inspect the cargo packed and labelled as dangerous goods or dangerous cargo and upon any demand from the service provider, the service user shall allow such verification and inspection of the goods or cargo by the service provider.



**30. Mis-declared or undeclared goods or cargo.** — (1) For the purpose of this Chapter, the State Government shall appoint or authorise such officer or authority to carry out inspection or search any vessel while plying within inland waters or such other premises on land within the respective jurisdiction so allotted.

(2) The officer appointed or authorised by the State Government under the Act or the rules made thereunder shall inspect the vessel or the cargo by serving notice to the service user or service provider.

(3) Notwithstanding anything contained in sub-rule (1), in case of an emergency or in the event of any information received with respect of prohibited cargo, dangerous goods or dangerous cargo that are carried or transported, not in compliance with the provisions of the Act or this rule; the inspector shall board such mechanically propelled inland vessel, or any vessel while in the inland waters or such premises on land without any notice served prior to his inspection or visit:

Provided any inspection carried out shall be reported to the Designated Authority with relevant information or such other reason that led to inspection under sub-rule (2).

(4) The inspectors appointed under the provisions of the Act or the rules made thereunder shall undergo periodical training and assessment, with respect to the functions assigned to them.

**31. Removal, storage and sale of goods or cargo found carried or transported in contravention.** — (1) The officer appointed or authorised for the purpose of this Chapter may remove, or cause to be removed, any goods or cargo carried, loaded or stored in any mechanically propelled inland vessel plying within inland water limits, which is found to be carried, loaded or stored in contravention of the provisions of the Act or the rules made thereunder.

(2) Any goods or cargo removed under sub-rule (1) shall be stored in warehouses or such facilities depending upon nature and characteristics of such dangerous goods or dangerous cargo, ensuring safety and security of such goods or cargo and that of human life and environment.

(3) The owner or person responsible for carrying, loading or storing of dangerous goods or dangerous cargo shall be liable to pay the expenses incurred for the removal and storage charges of such dangerous goods or dangerous cargo.

(4) If the owner or any person responsible for carrying, loading or storing, neglects to pay the expenses incurred in the removal thereof within one week after demand, the owner of the vessel shall be notified for a second time and after the lapse of one week from the issuance of second notice, if the demanded amount remains unpaid, then the cargo so removed shall be sold by public auction and the authorised or appointed officer may retain all the expenses of such removal, storage and sale, out of the proceeds of the sale.

(5) If the dangerous goods or dangerous cargo so recovered by the appointed or authorised officer remains unsold, such cargo shall be kept and deposited in such manner as the State Government may direct from time to time and the State Governments may, recover the expenses of maintaining the same, together with the expenses of sale, or maintaining the part or material remaining unsold.

(6) The expense and the additional amount incurred by the authorised officer or such other officer, shall be recovered out of the sale proceeds of the cargo removed from any mechanically propelled inland vessels, and the balance, if any shall be paid to the person entitled to the recovered cargo, or, if no such person appears and claims the balance; such balance amount shall be held in deposit for payment, without interest, to the person thereafter establishing his right of ownership of cargo, thereto.

(7) No claim beyond six months from the date of the sale shall be entertained and the same shall be rejected by any authorised or appointed officer.

(8) After the period of six months, the unclaimed amount so deposited under sub-rule shall be transferred to the Development Fund constituted under section 86 of the Act.

(9) Where the sale proceeds of the vessel or cargo are insufficient to meet the expenses and the additional expenses incurred; the owner or operator of the vessel shall be liable to pay the deficiency to the authorised or appointed officer upon demand; and if the deficiency remains unpaid, within one month from the date of such demand; the authorised or appointed officer may recover the deficiency from such owner or operator of vessel or cargo or both, as if it were an arrear of land revenue and such arrear shall be recoverable from the personal assets of such owner or operator of vessel or cargo or both.

**32. Confiscation and custody of prohibited cargo or goods.** — (1) The officer appointed or authorized for the purpose of this Chapter may remove, or cause to be removed and confiscate any cargo or goods; which are suspected to fall within the list of prohibited goods or cargo and are found to be carried, loaded or stored in any mechanically propelled inland vessel plying within inland water limits.

(2) If the authorised officer has reason to believe that the levels of carriage and presence of prohibited cargo are such as to cause or threat to cause imminent danger to life or environment, the vessel or vessels involved in wrongful act, shall be detained and removed to a safe wharf or jetty or such other place, depending on proximity and safety, for investigation, and for minimising and containment of apprehended dangers.

(3) The owner or person responsible for carrying, loading or storing of prohibited cargo or goods shall be liable to pay the actual expenses incurred for the removal and storage charges of such cargo and vessel:

Provided that the service provider shall not be held liable for the consequences arising from the acts committed by the service user in contravention to this rule.

(4) The prohibited cargo or goods seized or confiscated under sub-rule (1) or sub-rule (2) shall be destroyed at the earliest in safe conditions and at facilities, specifically designated by the respective Designated Authority.

(5) If the owner or any person responsible for carrying, loading or storing, neglects to pay the actual expenses incurred in the removal, storage, detention or disposal thereof, within one week after demand, such person shall be notified for a second time; and if after the lapse of one week from the issuance of second notice, the amount so demanded remains unpaid, the vessel so detained shall be sold by public auction and the appointed or the authorised officer may retain all the expenses of such removal, storage, detention or disposal, out of the sale proceeds.

(6) The expense and the additional amount shall be payable to the authorised officer or such other officer, out of the sale proceeds of the vessel detained from any mechanically propelled inland vessels, and the balance shall be paid to the person entitled to the vessel detained, or, if no such person appears and claims the balance; such balance amount for payment, without interest, to the person thereafter establishing his right of ownership of vessel thereto.

(7) No claim beyond twelve months from the date of the sale shall be entertained and the same shall be rejected by authorised and appointed officer.

(8) After the lapse of twelve months as provided in sub-rule (7), the unclaimed or residual amount recovered from the sale proceeds shall be deposited with the Designated Authority, and such fund, as it may deem fit to the respective State Government and thereafter the same shall be transferred to the fund constituted under section 86 or section 96 of the Act, as the case may be.

(9) Where the sale proceeds of the vessel are found insufficient to meet the expenses and additional expenses incurred; the owner of the vessel found responsible under this rule shall be liable to pay the deficient amount to the authorised or appointed officer, upon demand; and if such amount remains unpaid, within one month from the date of such demand, such amount shall be recoverable as if as if it were an arrear of land revenue and such arrear shall be recoverable from the personal assets of such owner of vessel.

(10) Notwithstanding anything contained under this rule, if the responsibility of delivering the prohibited goods or cargo that are found to be carried, loaded or stored on any non-mechanically propelled inland vessel; lies on the owner of such goods or cargo, such person shall be fully liable to meet the expenses and additional expenses incurred for removal, storage, detention or disposal of such goods or cargo and such expenses shall be recoverable as if it were an arrear of land revenue and such arrear shall be recoverable from the personal assets of such owner of cargo:

Provided that in the event if both the owner or operator of the vessel and prohibited goods or cargo are found liable for carrying, loading or storing of such goods or cargo; then such persons shall be jointly and severally liable under the Act for committing the offences and shall meet the expenses and additional expenses incurred removal, storage, detention or disposal of such goods or cargo, and such expenses shall be recoverable as if it were an arrear of land revenue and such arrear shall be recoverable from the personal assets of such owner of vessel or cargo.

(11) Any person who acts in contravention with any of the situations in sub-section (1) shall be punishable under sub-section 3 of section 87 of the Act.

**33. Directions by competent authority.—** The Competent Authority shall provide directions as to the safe custody and disposal of dangerous and prohibited cargo or goods as may be removed from any mechanically propelled vessel found within the inland waters.

**34. Cancellation and suspension of certificate or approval.—** In the event of investigation or inquiry initiated against any service provider for non-compliance with the provisions of this Chapter, the State Government may suspend or cancel any certificate or approval issued under the provisions of the Act.

**35. Obligation to not commit unlawful acts.—** Unless specifically exempted under the Act; any or all of the following acts are hereby declared unlawful and the service providers, service users or any other persons directly or indirectly involved in operation of vessels or cargo or passenger terminal shall at all times comply with their respective obligations mentioned in this Chapter-

- (a) illegal opening of inland waterway ports or landing stages; embarking or disembarking passengers, loading or unloading cargo at places that are not prescribed;
- (b) destroying inland waterway navigation works;
- (c) erecting illegal obstructions to impede inland waterway navigation;
- (d) illegal building of houses, tents, stalls or other works on inland waterways in violation of the protection of inland waterway infrastructures;
- (e) loading of vessels with passengers and cargo, beyond the limits prescribed or permitted under the Act; i.e. , overloading of vessels;
- (f) dumping soil, rocks, sand, gravel or other waste substances and exploiting minerals within the areas of channels and channel protection corridors;
- (g) putting fixed fishing gear, means of fishing or rearing aquatic resources in channels designated for inland navigation;
- (h) putting out inland vessels that do not meet safety and environment protection requirements and also fail to meet operating conditions;
- (i) escaping after causing accidents in order to avoid responsibility, infringing upon human life or property when vessels are in distress;

Explanation.- For the purpose of this clause, leaving from the site of the accident to ensure safety of the vessel, crew or her passengers, shall not cause any unlawful act;

- (j) taking advantage of accidents to cause chaos, hindering the handling of accidents;
- (k) breaching the signal on wave, causing restriction or using other banned signals;
- (l) plying beyond the limits of inland waters, unless so permitted by the authority;
- (m) plying without applicable endorsement or sanction beyond the permitted area of voyage;
- (n) organising illegal races or participating in illegal races of vessels on inland waterways;
- (o) committing or permitting the commission of acts of violation and in contravention to the provisions of the Act; and
- (p) other acts as may be notified by State Government by publication in Official Gazette.

(2) Any person who acts in contravention to all or any of the situations in sub-rule (1) shall be punishable under sub-section (3) of section 87 of the Act.

## CHAPTER V – RULES ON WRECK AND SALVAGE

**36. Obligation to report.**— Any person who finds or takes possession of a wreck located within the limits of jurisdiction of any receiver of wreck appointed under sub-section (1) of section 58 of the Act or bring any such wreck within such limits, shall make a report in writing to such receiver of wreck in Form No. 3 appended to these rules.

**37. Information by receiver.**— Upon receipt of information under rule 36 the receiver of wreck shall communicate such information to the designated authority or such other authorities, as may be appointed or authorised by the respective State Governments; and if the information pertains to any event of vessel being wrecked, stranded or being in distress in the National Waterways, the designated authority shall communicate the information to the competent authority or such other officer, as may be appointed by the Central Government:

Provided that, where the Central Government has by direction or order delegated its powers to administer wreck in the National Waterways to any State Government, the receiver of wreck shall inform the designated authority or such other authorities, as may be appointed or authorised by such State Governments.

**38. Possession of wreck by receiver.**— When a receiver of wreck, receives reliable information that subsequent to a vessel becoming a wreck, is sunk or stranded in inland waters within his respective jurisdiction and is abandoned by its owner, such receiver shall proceed to the location of the wreck and drop a lead line over such vessel and prepare a declaration that the possession of the wreck is taken over by the receiver of the wreck:

Provided that, if it is found as not practicable to take physical possession of the wreck, the receiver of wreck shall make a declaration and record in such declaration the reasons for not being able to take the physical possession.

**39. Duties of receivers of wreck.** — The receiver of wreck in taking possession of the wreck shall-

- (a) if the wreck is of an inland vessel or parts or property or cargo of such vessel, registered under the Act, send the information to the owners of the vessel in writing with intimation to the designated authority, in whose jurisdiction the vessel is found to be registered;
- (b) if the wreck is of an inland vessel or parts or property or cargo of such vessel, registered in a foreign country, send the information to the owners of the vessel in writing with intimation to the competent authority or such other authority as may be appointed by the Central Government under section 82 of the Act or the rule made thereunder;
- (c) if the wreck is of any vessel or parts or property or cargo of such vessel, registered under the Merchant Shipping Act, 1958 or any other law in force in India, send the information to the owners of the vessel in writing with intimation to the respective Principal Officer of the Mercantile Marine Department or such other authority, appointed as the registering authority under such laws;
- (d) if the vessel, property, part or cargo or ownership; which has caused the wreck, is un-identifiable or not traceable, the receiver of wreck shall record the reasons thereof and shall send information of the wreck to the designated authority or such other officers appointed by the respective State Governments;
- (e) as provided in clause (d), if the whereabouts of the owner or the vessel is unidentifiable or not traceable, the receiver of wreck shall cause such vessel or property or part to be raised, removed, blown up or otherwise destroyed as the circumstances may warrant;
- (f) the information provided by the receiver of wreck to the authorities concerned shall include details, such as the extent of danger to human life, obstruction to safe navigation, probabilities of environmental pollution and the like, if any; and shall be submitted in Form No. 4 appended to these rules.
- (g) the receiver of wrecks or any officer appointed or authorised thereof, shall record the events of finding, marking, recovery or disposal of wrecks in the official register maintained and shall send a report to the respective State Government; and
- (h) if any property recovered by a receiver of wreck remains unclaimed or the person claiming it fails to pay reasonable expenses incurred for preserving the wreck and an additional amount of twenty-five per cent. of the amount of such expenses; such vessel or property or part may be put to sale by public auction-
  - (i) immediately, if the property is of perishable nature;
  - (ii) if it is not of a perishable nature, at any time not less than two months, after the recovery thereof.

**40. Obstruction to navigation.** — (1) The receiver of wreck may remove, or cause to be removed, any timber, raft or other property, floating or being in any part of the inland water, which, in his opinion, obstructs or impedes the free navigation thereof or the lawful use of any landing place or embarking or part thereof.

(2) If the owner of any such timber, raft or other property or the person, who has caused any such obstruction, impediment or public nuisance, neglects to pay the reasonable expenses incurred in the removal thereof, within thirty days after demand or in such other manner as the State Government may, by general or special order direct, the receiver of wreck or such other officer may cause such timber, raft or other thing or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction and may retain all the expenses of such removal and sale out of the proceeds of the sale.

**41. Unsold property and sale proceeds.** — (1) If the property so recovered by a receiver of wreck remains unsold, such property shall be kept and deposited in such manner as the State Government directs, and may, if necessary, from time to time, realise the expenses of keeping the same, together with the expenses of sale, or further sale of so much of the thing or materials remaining unsold.

(2) The expenses and the additional amount shall be payable to the receiver of wreck or such other officer, out of the sale proceeds of the property so recovered from inland waters, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to the person thereafter establishing his right of ownership thereto.

(3) No claim beyond thirty six months from the date of the sale shall be entertained and the same shall be dismissed by the receiver of wreck or such other officer.

(4) After the period of thirty six months, the unclaimed amount so deposited under sub-rule (1) shall be transferred to the common fund created under the provisions of the Act.

(5) Where the sale proceeds of the property are not sufficient to meet the expenses and the additional amount receivable; the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the

deficiency to the receiver of wreck or such other officer on demand, and if the deficiency be not paid within one month of such demand, receiver of wreck or such other officer, may recover the deficiency from such owner as if it were an arrear of land revenue.

(6) Notwithstanding anything contained herein, liability of persons entitled to limit liability under the Act shall not exceed the limits as prescribed by the Central Government.

**42. Protecting the wreck.**— (1) No person shall. —

- a) without the leave of the master board or attempt to board any vessel which is wrecked, stranded or in distress as aforesaid, unless the person is, or acts by command or order in writing issued by, the receiver of wreck; or
- b) impede or hinder or attempt in any way to impede or hinder the saving of any vessel stranded or in danger of being stranded or otherwise in distress in the inland waters or of any part of the cargo or equipment of the vessel, or of any wreck; or
- c) secrete any wreck or deface or obliterate any marks thereon; or
- d) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded or otherwise in distress, in the inland waters, or any part of the cargo or equipment of the vessel or any wreck.

(2) Where a receiver of wreck suspects or receives information that the wreck is secreted or is in the possession of some person, who concealed is not the owner thereof or that any wreck is otherwise improperly dealt with, he may apply to the Judicial Magistrate of the First Class or Metropolitan Magistrate, who has jurisdiction over the matter, for a search warrant and that Magistrate may grant such warrant and the receiver of wreck by virtue thereof may enter any house or other place and also any vessel and search for seize and detain any such wreck found.

**43. Fouling of Government moorings.**— (1) If any vessel hooks or gets fouled in any of the buoys or moorings laid down by or by the authority of the State Government in any part of inland water, the master or person in charge of such vessel shall not, nor shall any other person, except in the case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without permission in writing from the receiver of wreck or any other officer appointed or authorised in this behalf.

(2) The receiver of wreck or any other officer appointed or authorised in this behalf immediately on receiving information of such possibility of accident or accident, shall issue permission in writing and shall assist the clearing of such vessel, the master or person in charge of the vessel shall, on demand, pay such reasonable expenses that are incurred.

**44. Procedure for the sale of wreck.**— (1) A receiver of wreck shall not sell any wreck otherwise than by public auction and every such sale shall be made on, as is where is basis with purchaser assuming full responsibility for any taxes payable to Government or port authorities and for encumbrance on the wreck.

(2) A notice for sale of a wreck shall be published not less than fourteen days in advance of the appointed date of sale, in three consecutive issues of at least two daily newspapers having a wide circulation and such notice shall include—

- (a) the description of the wreck under sale, its site and other known details, if any;
- (b) the percentage of the auction price that shall have to be paid as down-payment immediately after the conclusion of the auction;
- (c) the period within which the balance amount shall be payable by the successful bidder;
- (d) any other details as may be deemed necessary depending upon the nature of the wreck being sold and the circumstances under which it is being sold;
- (e) a provision reserving right in the receiver to reject highest bid or to postpone or cancel the sale without assigning any reason there for and
- (f) a provision to the effect that amount of down-payment referred to in clause (b) shall be liable to be forfeited, if the successful bidder fails to effect full and final payment of the balance amount, within the period stipulated as per clause (c).

(3) Where a receiver does not accept highest bid or postpones or cancels any auction he shall record in writing the reasons therefore and make a report to the Designated Authority or such other officer as may be appointed by the State Government.

(4) Where, any auction is frustrated by reason of rejecting the highest bid or cancelling the option by the receiver of wreck or by reason of failure on the part of the highest bidder to effect full and final payment of the price within the stipulated period, the auction process for sale of the wreck shall be initiated afresh.

**45. Wreck spread over two or more jurisdiction.**— When a part of any wreck is washed or brought ashore within the jurisdiction of one receiver and the remaining part thereof is so washed or brought ashore in the jurisdiction of another receiver or receivers of wreck, each of such receivers shall act independently of each other.

**46. Wreck delivered in the jurisdiction of another receiver.**— When a wreck found in the jurisdiction of any receiver of wreck is delivered to any other receiver, the latter shall immediately report the matter to the former; and the disposal of such wreck shall be done by the receiver to whom it is delivered in the like manner, as if it was found in his jurisdiction.

**47. Wrecks in National Waterways.**— For the purposes of administration of events of vessel being wrecked, stranded or in distress, occurring within the National Waterways, the Central Government may by direction or order delegate the powers conferred under the Act to State Governments, within the jurisdiction of which the National Waterways passes by and where such vessel is wrecked, stranded or being in distress is located.

**48. Extending the application.**— The Central Government may by notification in the Official Gazette, extend the application of any other law pertaining to administration of wreck, stranding of vessels or vessels being in distress in force in India to the inland vessels plying within the inland waters.

**49. Salvage and rights of salvors.**— (1) Owner of any mechanically propelled inland vessel in distress or master or any other person duly authorised by the owner in this behalf may enter into an agreement with any person for rendering salvage services to the vessel, which is in distress and any such agreement may provide for—

- (a) the amount payable to the salvor in the event of successful completion of the venture;
- (b) the amount payable to the salvor in the event of partial success of the venture;
- (c) the rights and responsibilities of the parties to the contract including the right of salvor for remuneration and remedies for its recovery;
- (d) the manner in which any dispute arising out of the agreement shall be settled; and
- (e) any other matter of particular importance or relevance to the subject matter of the agreement.

(2) Where services are rendered not by virtue of any agreement as provided under sub-rule (1) above, —

- (a) wholly or in part within the inland water limit in saving life from any vessel; or
- (b) in assisting a vessel or saving the cargo or equipment of a vessel which is wrecked, stranded or in distress at any place in the inland water limits; or
- (c) by any person other than the receiver of wreck in saving any wreck;

the owner of the vessel, cargo, equipment or wreck shall pay the salvor, a reasonable sum for the salvage as determined by the receiver of wreck or any officer appointed or authorised to act as valuers for the said purpose.

(3) Salvage in respect of the preservation of life when payable by the owner of the vessel shall be paid in priority to all other claims for salvage.

**50. Determination of amount due as salvage.**— (1) Where there exists an express agreement between the owner and salvor, the amount of salvage due to any person shall be determined having regard to the following considerations, namely: —

- (a) nature and degree of danger to which human life or property saved was exposed;
- (b) aggregate value of the property saved;
- (c) sale proceeds of salvaged property, where such property was sold;
- (d) nature and degree of risk incurred by salvor;
- (e) value of salvor's property engaged in salvage service and, nature and degree of danger to which it was exposed;
- (f) responsibilities incurred in performance of salvage service such as risk to insurance, liability to passengers or cargo or both through deviation or delay
- (g) loss incurred in performance of salvage service such as detention, loss of profitable trade, damage suffered by vessel, its equipment or gear;
- (h) expenses properly incurred by salvor in furtherance of salvage service;

- (i) expenses incurred by salvor towards loss of or injury to life or damage to property arising out of salvage service;
- (j) skill shown by salvor in rendering service; and
- (k) time spent and the labour involved in rendering salvage service.

(2) Where clause (k) of sub-rule (1) is the only criterion on which salvage claim is based, no salvage shall be payable.

**51. Dispute of determination of amount payable as salvage.—** (1) Any dispute arising with respect to the determination of amount payable or determined amount pending or due payment under this chapter shall be determined upon application made by either of the disputing parties.—

- (a) to Judicial Magistrate of the First Class or a Metropolitan Magistrate, as the case may be, where the amount claimed does not exceed ten lakh rupees;
- (b) to the District Court where the amount claimed exceeds ten lakh rupees.

(2) Where there is dispute as to the persons who are entitled to the salvage amount under this rule, the Judicial Magistrate of the first class or the Metropolitan Magistrate or the District Court, as the case may be, shall decide the dispute and if there are more persons than one entitled to such amount, such Magistrate or the District Court shall adjudicate and apportion the amount thereof among such persons.

(3) The costs of and incidental to all proceedings before a Judicial Magistrate of the first class or a Metropolitan Magistrate or the District Court under this rule shall be in the discretion of such Magistrate or the District Court, who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the aforementioned purpose.

**52. Appointment of valuers.—** (1) For the purposes of determining the value of any property salvaged or for valuating any considerations made in determining the Amount of salvage; the receiver or the court may appoint a valuer from a panel of valuers, which shall be provided by the designated authority, on request.

- (2) The receiver shall keep on record the valuer's report and give attested copies thereof to the owner and salvor.
- (3) The valuers shall be paid of such charges as the receiver or Court may consider reasonable and such charges shall be a charge on the expense account of salvage:

Provided that, where a valuer is appointed at the request of either the owner or the salvor without the consent of the other party, the charges shall be paid by the party at whose request the valuer was appointed.

**53. Salvage Award.—** (1) No salvage award shall be made. —

- (a) in any case where the property or sale proceeds thereof, are claimed by the owner or his duly authorised agent or assignee, until the title of the claimant to the said property or sale proceeds thereof is established;
- (b) in any case where the property is not claimed by its owner or his duly authorised agent or assigned, until the said property is sold; and
- (c) in any case where either party has applied for the appointment of valuer, until the valuer's charges are paid.

(2) Where the receiver has made a salvage award, he shall withhold the delivery of the wreck to the owner until the owner obtains a release from the salvor in respect of salvage due to him under the said award.

(3) Where the receiver has disposed of any wreck, he shall settle the salvor's claim in accordance with the Award from within the sale proceeds of the wreck and obtain a receipt from the salvor in token of his having received the amount in full and final settlement of his claim, before effecting payment of balance sale proceeds to the owner.

**54. Powers to issue orders and directions.—** For the purposes of effective administration of the rules, the State Governments shall by direction or order provide for the following —

- (a) delivery of wreck to the rightful owner;
- (b) formalities when buoys found adrift or ashore;
- (c) procedures involved in salvage;
- (d) procedures on services rendered to vessels stranded or otherwise in distress;
- (e) receipts and expenditures;
- (f) fees;

- (g) register book; and
- (h) such other procedures and processes as may deem fit by the respective State Governments, which are not in conflict with the Act or the rules made thereunder.

#### **CHAPTER VI – RULES ON TRADE PERMISSION AND ENDORSEMENT OF CERTIFICATES OF FOREIGN VESSELS**

**55. Procedures and Terms.** — By virtue of powers conferred under section 82 of the Act and subject to the scope, application and such other terms and conditions agreed between the Central Government with any other country pertaining to permission provided to foreign vessels to be employed for inland navigation in India and waivers and exemptions, if any, provided by the Central Government; the foreign vessel intended to be employed in the inland waters of India shall. —

- (a) make an application to such authority as may be authorised under this rule; for the permission to ply within the inland waters of India through the owner or operator or any authorised representative of such owner or operator;
- (b) the foreign vessel shall hold certificates equivalent to those specified under Chapters IV, V and VI of the Act;
- (c) in case of certificate of survey or equivalent certificate, such foreign vessels shall comply with the requirements in compliance with Chapter IV of the Act and an endorsement regarding compliance shall be specifically be obtained from the designated authorities, in whose jurisdiction such vessels are intended to be employed; and unless specified otherwise by an order or direction, in the event of exclusive employment through National Waterways, similar endorsement to be obtained from the competent authority;
- (d) the standards of manning as provided under Chapter VI of the Act and the rules made thereunder shall be complied with by the foreign vessels intended to be employed within the inland waters;
- (e) in case, if the foreign vessels intended to be employed falls within the category of 'special category vessels', such vessels shall comply with Chapter VII of the Act and the rules made thereunder;
- (f) the foreign vessel shall possess certificate equivalent to the certificate for prevention of pollution mandated under Chapter IX of the Act and the rules made thereunder;
- (g) shall follow the rules of the road prescribed under the Act; and
- (h) such other conditions as may be notified by the Central Government from time to time.

**56. Powers to exempt foreign vessels.**— Subject to section 112 of the Act, the Central Government may provide for exemptions or relaxations to the any class or category of foreign vessels from the requirements of the Act or the rules are made thereunder.

**57. Issuance of certificate of trade permission.**— The trade permission granted under rule 55 shall be evidenced by a certificate or such other document, which shall be issued by the respective authorities in compliance with the Act and the rules are made thereunder.

**58. Pre-requisite compliance with additional terms.** — The permission provided under rule 55 shall, among others, specify additional terms and conditions such as the requirements of vessel classification; the period and validity of the permission; extend or area within which the foreign vessels are permitted to be used; intended employment or purpose of the vessel; financial undertaking or guarantee requirements and the like; that are to be complied with by the foreign vessel as a condition pre-requisite for issuance of trade permissions.

**59. Duty to surrender.** — Upon completion of intended employment or purpose of foreign vessels, permitted to ply within the inland waters of India, by virtue of expiry of permission or termination, whichever earlier; the document referring to the permission shall be surrendered or submitted to the authority, which has issued such permission and such authority shall endorse the said document certifying the permission as cancelled.

**60. Renewal.** — Upon application for renewal of permission being received from the applicants, the respective authorities under rule 55 may renew the permission for a period of six months.

**61. Power to refuse permission.** — Notwithstanding anything contained herein, the respective authorities, who have received the application under rule 55 or rule 60, may refuse granting permission for foreign vessels and the reasons for such refusal shall be recorded in writing.

**62. Fees and additional fee.** — The respective authorities under rule 55 may charge such fees, as may be notified by the Central Government or the State Governments, as the case may be, by an order or direction issued from time to time.



**63. Equal treatment.** — (1) The terms and conditions, subject to which permissions are given to foreign vessels under rule 55 or renewed under rule 60, shall not be more favourable than those afforded to similar class, type or category of inland vessels, registered, recognised or identified under the Act, which the Indian inland vessels are required to comply with.

(2) The fees, additional fees, charges and penalties, as prescribed under the Act and the rules made thereunder, which are applicable to Indian inland vessels, shall be applicable to foreign vessels permitted to ply within the inland waters of India.

#### CHAPTER VII – GENERAL RULES

**64. Protection and preservation of environment.** — By virtue of powers conferred under section 98 of the Act, for the purposes of protecting and preserving biodiversity, aquatic life and environment; and to minimise the damage caused by navigation of inland vessels; all inland vessels passing through areas notified as ecologically sensitive areas and protected areas shall comply with the applicable norms and standards, as prescribed by the Central Government under Environment (Protection) Act, 1986 (29 of 1986), the Wild Life (Protection) Act, 1972 (53 of 1972) and such other governing laws in force in India.

**65. Offences under these rules.** — Any person acted in contravention to these rules, shall be punishable under the provisions of sub-section (3) of section 87 of the act.

**66. Fees and additional fees prescribed under the Act.** — (1) For the purposes Section 89 of the Act, the fee or additional fee prescribed by the respective State Governments, shall be subject to the approval by Central Government.

(2) Where it is not practical to determine and fix the fees or additional fees, the State Governments may by recording the reasons thereof, notify by direction or order, the categorisation and classification of services, along with such fees or additional fees, as may be applicable from time to time.

#### SCHEDULE

##### LIMITS OF LIABILITY

[see rule 22]

##### GENERAL LIMITS

###### (a) In respect of claims for loss of life or personal injury on any distinct occasion

- (i.) For the loss of life, ten lakh rupees per person
- (ii.) For the permanent disability, eleven lakh rupees per person.

**Note:** The limit of liability for the death and disability compensation shall be over and above the cost of the treatment of the sick or injured person.

The determination of the disability shall be in accordance with the Employees Compensation Act, 1923.

###### (b) In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers on an Inland vessel —

- i. For the loss of life, an amount of ten lakh rupees per passenger.
- ii. For the permanent disability, an additional amount of 10% per passenger.

**Note:** The limit of liability for the death and disability compensation shall be over and above the cost of the treatment of the sick or injured person.

The determination of the disability shall be in accordance with the Employees Compensation Act, 1923.

###### (c) In respect of any other claims

For vessels below 500 GT- Four crore rupees

For vessels from 500 GT to less than 3000 GT – eight crore rupees

For vessels of 3000 GT and upto 6000 GT – twelve crore rupees.

**Form No. 1**  
**COVER NOTE**

[see rule 5 (1)]

1. Vessel identification number or marks, and description of the vessels identity or nature including
2. Nature, type or class of insurance
3. Mark of the vessel
4. Registration number
5. Type of vessel
6. Eligibility to ply in any particular area – [Zone 1 / Zone 2 / Zone 3]
7. Name and address of the insured/owner(s).
8. Details of ownership [Registered owners or owners or Joint ownership or Authority or Describing shares]
9. Effective date and time of commencement of insurance for the purpose of this Act.
10. Date of expiry of insurance .

This is to certify that this Cover note is issued in accordance with the Inland Vessels Act [2021] and the Rules made thereunder.

Further, the insured is hereby indemnified against the following risks —

1. ....
2. ....

This document shall remain valid till the Master policy is issued or thirty days, whichever earlier, after which this document is terminated automatically.

**Authorised Signatory**

**Date of Issue**

**Form No. 2**  
**CERTIFICATE OF INSURANCE**

[see rule 6 (2)]

1. Name and Address of the Insurer.
2. Name of the Vessel.
3. Vessel identification number or marks, and description of the vessels .
4. Identity or nature including .
5. Registration number.
6. Type of vessel.
7. Eligibility to ply in any particular area – [Zone 1 / Zone 2 / Zone 3 ].
8. Details ownership or registered ownership or Joint ownership or Authority or shares.
9. Name and address of the insured or owner(s).
10. Validity of Insurance or Time Period.
11. Effective date and time of commencement of insurance.
12. Date of expiry of insurance.
13. Sum or Liability insured with deductibles.
14. Conditions of coverage or Special conditions or Warranty.
15. Prohibitions.
16. Procedure to raise claim.
17. Contact information.
18. Dispute resolution.

**Dated --/--/----**

**Signed On Behalf Of**

**Designation**

**Form No. 3****REPORT BY ANY PERSON FINDING THE WRECK**

[see rule 36 (1)]

1. Name and Address of the Informant:
  - (a) In case of Company (name, address, official seal, etc.)
  - (b) In case of Firm (name, address, official number etc.)
2. Designation of the informant: (details of director or partner)
3. Vessel Identification Number or Marks and Description of Vessel:
4. Name, official number, registration number and port of registry of vessel:
  - (a) Inland vessel registered under the Act
  - (b) Inland vessel registered in a foreign country
  - (c) Vessel registered under the Merchant Shipping Act, 1958
5. Details of Registered Owner, Operator and Charterer of the Vessel:
6. Date of finding the vessel, parts, property or cargo:
7. Details of parts, property or cargo of vessel:
8. Name and details of the Receiver of wreck:
9. Place where the vessel, parts, property or cargo was found:
  - a. Inland waters
  - b. National waterways
10. Particulars of the vessel, parts, property or cargo found:
11. Description
12. Estimated value
13. Information of wreck passed by the Receiver of wreck to the authorities:
14. Designated authority or such other authority under the State Government.
15. Competent authority or such other authority under the Central Government.
16. Principal officer of the Mercantile Marine Departments
17. Information of wreck to be informed to the insurer or their agents:

I/We \_\_\_\_\_ do hereby affirm to the details as mentioned above with regard to the wreck that took place on \_\_\_\_\_ at \_\_\_\_\_ for the purposes of Chapter X of the Inland Vessel Act, 2021 and the rules made thereunder.

Date:

Signature of Informant

Place:

Designation and Details of Informant/Company/Firm

**Form No. 4****OBSTRUCTION TO NAVIGATION**

[see rule 39 (6)]

1. Name and address of informant:
2. Name and port of registry of the vessel:
  - (a) Registered under the Act-
  - (b) Foreign Vessel-
  - (c) Registered under the Merchant Shipping Act, 1958 or any other law in force-
3. Particulars of obstruction:
  - (a) Nature and size of obstruction-
  - (b) Nature of danger to navigation-
  - (c) Objects causing obstruction-
4. Name and port of derelict or sunken wreck, if known, and if not known, any particulars, leading to its identification:
5. Description of the wreckage and any marks:
6. Date and time when the wreckage, wreck was last seen and date and time of report made, if any:
7. If sunken wreck, the exact spot in which the vessel is lying:
8. In case of floating wreckage, the place where last seen, and the direction in which drifting:
9. Whether the derelict was boarded by the informant or any of his crew.
10. Whether the vessel was broken:
11. Whether the vessel was waterlogged:
12. Whether vessel had capsized:
13. Did the vessel be into collision:
14. Nature and description of vessel cargo:
15. Date of making this report:
16. Date of informing the insurer or their agents:

I \_\_\_\_\_ (details of Receiver of wreck) do hereby affirm to the details as mentioned above with regard to the wreck that took place on \_\_\_\_\_ at \_\_\_\_\_ for the purposes of Chapter X of the Inland Vessel Act, 2021, and the Rules made thereunder.

Date:

Signature of Receiver of Wreck

Place:

Designation and Details of Receiver of Wreck

[F. No. IWT-11011/91/2021-IWT]

SUNIL KUMAR SINGH, Adviser (Statistics)

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)

ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-79

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಇ 26 ಕೇನಿಪು 2022

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12.09.2022.

ದಿನಾಂಕ: 17.06.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the State Assisted Reproductive Technology and  
Surrogacy Board (Appointment of Expert Members) Rules, 2022ರ Notification-G.S.R.457(E)  
ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF HEALTH AND FAMILY WELFARE**

**(Department of Health Research)**

**NOTIFICATION**

New Delhi, the 17th June, 2022

**G.S.R. 457(E).**—In exercise of the powers conferred by clauses (u), (v) and (x) of sub-section (2) of section 50 of the Surrogacy (Regulation) Act, 2021 (47 of 2021) read with section 6 of the Assisted Reproductive Technology (Regulation) Act, 2021 (42 of 2021), the Central Government hereby makes the following rules, namely:-

**1. Short title and commencement.** – (1) These rules may be called the State Assisted Reproductive Technology and Surrogacy Board (Appointment of Expert Members) Rules, 2022.

(2) They shall come into force from the date of their publication in the Official Gazette.

**2. Manner of appointment of Expert Members under clause (f) of section 27 of the Surrogacy (Regulation) Act, 2021 in States and Union Territories.** – Subject to the provisions of the Act and these rules, the State Government and Union territory may draw its own mechanism for appointment of Expert Members in the State Assisted Reproductive Technology and Surrogacy Board.

**3. Qualification and experience for Expert Members.** - The Members referred to in clause (f) of Section 27 of the Surrogacy (Regulation) Act, 2021 shall possess the following qualification and experience, namely: -

- (i) the Medical Geneticist shall possess Doctorate of Medicine or Diplomate in National Board in Medical Genetics recognized by the National Medical Commission Act, 2019 (30 of 2019), having experience of not less than five years in such field;

- (ii) the Embryologists shall possess post-graduate medical qualification or doctoral degree in the field of embryology or clinical embryology from a recognized university having experience of not less than five years in such field;
  - (iii) the Gynaecologist and Obstetrician shall possess post-graduate medical qualification in Obstetrics and Gynaecology recognized by the National Medical Commission Act, 2019 (30 of 2019), having experience of not less than five years in such field;
  - (iv) the Social Scientist shall possess graduate qualification in any discipline or preferably a post-graduate qualification in social science from a recognized University, having experience of not less than five years in such field;
  - (v) the representative of Women Welfare organization shall possess graduate qualification in any discipline from a recognized University, working for the welfare of women for not less than five years;
  - (vi) the representative from civil society working on women's health and child issues shall possess graduate qualification in any discipline from a recognized University, working on women's health and child issues for not less than five years.
- 4. Age limit.** - A person shall not be eligible to be appointed as an Expert Member if he or she has attained the age of sixty-five years at the time of appointment.
- 5. Re-appointment of Members.** - Subject to rule 4, the Member referred to in clause (f) of section 27 of the Surrogacy (Regulation) Act, 2021, shall be eligible for re-appointment for another term.

[F. No. U.11019/04/2022-HR]

GEETA NARAYAN, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)

ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-80**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಇ 27 ಕೇಶಾಪು 2022

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12.09.2022.

ದಿನಾಂಕ: 08.08.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE INDIAN ANTARCTIC ACT, 2022 (NO. 13 OF 2022) ಅನ್ನು  
ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-





# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-08082022-238004  
CG-DL-E-08082022-238004

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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सं० 15]	नई दिल्ली, सोमवार, अगस्त 8, 2022/ श्रावण 17, 1944 (शक)
No. 15]	NEW DELHI, MONDAY, AUGUST 8, 2022/SRAVANA 17, 1944 (SAKA)

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 8th August, 2022/Sravana 17, 1944 (Saka)*

The following Act of Parliament received the assent of the President on the 6th August, 2022 and is hereby published for general information:—

### THE INDIAN ANTARCTIC ACT, 2022

No. 13 OF 2022

[6th August, 2022.]

An Act to provide for the national measures for protecting the Antarctic environment and dependent and associated ecosystems and to give effect to the Antarctic Treaty, the Convention on the Conservation of Antarctic Marine Living Resources and to the Protocol on Environmental Protection to the Antarctic Treaty and for matters connected therewith or incidental thereto.

WHEREAS, the Antarctic Treaty was signed at Washington D.C. on the 1st day of December, 1959;

AND WHEREAS, the Antarctic Treaty was initially signed by twelve countries and since then forty-two other countries have acceded to the Treaty;

AND WHEREAS, of the total of fifty-four State Parties to the Treaty, twenty-nine countries have the status of Consultative Party with a right to vote in the Antarctic Consultative Meetings and twenty-five countries are Non-Consultative Parties having no right to vote therein;

AND WHEREAS, India signed the Antarctic Treaty on the 19th day of August, 1983 and received the consultative status on the 12th day of September, 1983;

AND WHEREAS, the Convention on the Conservation of Antarctic Marine Living Resources was signed at Canberra on the 20th day of May, 1980, *inter alia*, for the protection and preservation of the Antarctic environment and, in particular, for the preservation and conservation of marine living resources in Antarctica;

AND WHEREAS, India ratified the said Convention on the 17th day of June, 1985 and is a member of the Commission for Conservation of Antarctic Marine Living Resources under that Convention;

AND WHEREAS, the Protocol on Environmental Protection to the Antarctic Treaty was signed at Madrid on the 4th day of October, 1991, *inter alia*, to strengthen the Antarctic Treaty system and for the development of a comprehensive regime for the protection of the Antarctic environment and dependent and associated ecosystems;

AND WHEREAS, India signed the Protocol on Environmental Protection to the Antarctic Treaty on the 14th day of January, 1998;

AND WHEREAS, the Antarctica lies south of 60° South Latitude and which is a natural reserve, devoted to peace and science and should not become the scene or object of any international discord;

AND WHEREAS, it is considered necessary to give effect to the said Treaty, the Convention and the Protocol and to make provisions for the protection of the Antarctic environment and dependent and associated ecosystems and for the regulation of various activities envisaged in Antarctica and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

Short title  
and  
commencement.

1. (1) This Act may be called the Indian Antarctic Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Application.

2. This Act shall apply to,—

(a) a citizen of India; or

(b) a citizen of any other country; or

(c) a company, body corporate, corporation, partnership firm, joint venture, an association of persons or any other entity incorporated, established or registered as such under any law in force in India; or

(d) any vessel or aircraft registered in India or outside India,

if such person, vessel or aircraft is part of an Indian expedition to Antarctica under a permit issued under this Act and shall include any such vessel or aircraft which is registered in India but chartered by any other Party for entering into Antarctica;

(e) Antarctica, comprising of the following areas, namely:—

(i) the continent of Antarctica, including its ice-shelves;

- (ii) all islands south of 60° South Latitude, including their ice-shelves;
- (iii) all areas of the continental shelf that are adjacent to that continent or to those islands that are south of 60° South Latitude;
- (iv) all sea and air space south of 60° South Latitude; and
- (v) the area specified in Article I of the Convention on the Conservation of Antarctic Marine Living Resources.

3. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) "activity" means any kind of operation in Antarctica, including tourism, research, conservation, fishing and commercial fishing;

22 of 1934.

(b) "aircraft" shall have the same meaning as assigned to it in clause (1) of section 2 of the Aircraft Act, 1934;

(c) "Analyst" means a person designated as such by the Committee to collect and analyse any sample or matter under sub-section (2) of section 31;

(d) "another Party to the Treaty" or "another Party to the Protocol" means any Party other than India;

(e) "Antarctica" means the Antarctic area referred to in clause (e) of section 2;

(f) "Antarctic environment" means the ecosystems dependent on and associated with the Antarctic environment, the intrinsic value of its wilderness and aesthetics, its value as an area for the conduct of scientific research or research that is essential to understand the global environment, the climate and the composition of the atmosphere;

(g) "Committee" means the Committee on Antarctic Governance and Environmental Protection established under sub-section (1) of section 23;

(h) "Comprehensive Environmental Evaluation" means a comprehensive evaluation of environmental impact assessment referred to in sub-section (5) of section 27;

(i) "Convention" means the Convention on the Conservation of Antarctic Marine Living Resources signed on the 20th day of May, 1980 in Canberra, Australia;

(j) "Consultative Parties" means any State Party signatory to the Antarctic Treaty and the Protocol on Environmental Protection to the Antarctic Treaty having voting rights in any decision, measures and resolutions adopted by the Antarctica Treaty Consultative Meeting;

(k) "Indian expedition" means a journey undertaken by any person or persons to the Antarctica organised by India;

(l) "Initial Environmental Evaluation" means a preliminary evaluation of environmental impact assessment referred to in sub-section (5) of section 27;

(m) "land" includes all islands, continental shelf and any ice-shelf, without prejudice to scientific definition of ice-shelf;

(n) "notification" means a notification published in the Official Gazette and the expressions "notify" or "notified" shall be construed accordingly;

(o) "Operator", in relation to a vessel or aircraft, means the owner or the person for the time being having the management of that vessel or aircraft;

(p) "Party" means a State Party signatory to the Antarctic Treaty or a member State of the United Nations;

(q) "permit" means a permit issued by the Committee under section 27;

(r) "person" means a person or entity referred to in clauses (a), (b) and (c) of section 2;

(s) "prescribed" means prescribed by rules made under this Act;

(t) "Protocol" means the Protocol on Environmental Protection to the Antarctic Treaty signed at Madrid on the 4th day of October, 1991, which came into force on the 14th day of January, 1998;

(u) "station" includes any worksites, building or group of buildings or any temporary facility in Antarctica;

(v) "Treaty" means the Antarctic Treaty signed at Washington D.C. on the 1st day of December, 1959 which came into force on the 23rd day of June, 1961;

(w) "vessel" shall have the same meaning as assigned to it in clause (55) of section 3 of the Merchant Shipping Act, 1958;

44 of 1958.

(x) "waste" means unusable unserviceable movable property, including solid, liquid and gaseous matter, which the possessor or generator wants to discharge, or the controlled disposal of which is called for in order to preserve public welfare and in particular, the protection of the environment; or residual radioactive matter or radioactive components of disassembled or dismantled facilities, the controlled disposal of which shall be made in accordance with the Atomic Energy Act, 1962.

33 of 1962.

(2) The words and expressions used herein and not defined but defined in the Treaty or the Convention or the Protocol shall have the same meaning as respectively assigned to them in the Treaty or the Convention or the Protocol.

## CHAPTER II

### REQUIREMENT AS TO PERMIT

Permit for  
Indian  
expedition to  
Antarctica.

**4.** No person in an Indian expedition shall enter or remain in Antarctica without a permit or the written authorisation of another Party to the Protocol:

Provided that no permit shall be required in the case of a person who is travelling through, on or above the high seas, to an immediate destination outside Antarctica.

Permit for  
Indian station  
in Antarctica.

**5.** No person shall enter or remain in an Indian station in Antarctica without a permit or the written authorisation of another Party to the Protocol.

Permit for  
vessel and  
aircraft  
entering  
Antarctica.

**6.** No vessel or aircraft registered in India shall enter or remain in Antarctica without a permit or the written authorisation of another Party to the Protocol:

Provided that no permit shall be required in the case of a vessel travelling through, on or above the high seas, to an immediate destination outside Antarctica:

Provided further that no permit shall be required in respect of an aircraft travelling to an immediate destination outside Antarctica.

Permit for  
mineral  
resource  
activities.

**7.** No person or vessel in Antarctica shall—

(a) drill, dredge or excavate for mineral resources;

(b) collect any samples of mineral resources; or

(c) do anything for the purpose of identifying specific mineral resource occurrences or deposits, or areas where such occurrences or deposits may be found, except in accordance with a permit issued under this Act:

Provided that no permit shall be issued for the purposes of this section unless the Committee is satisfied that the activities shall be carried on only for the purposes—

(a) of scientific research; or

(b) connected with the construction, maintenance or repair in Antarctica of an Indian station or any other structure, road, runway or jetty maintained by or on behalf of India.

*Explanation.*—For the purposes of this section, "mineral resource" means any natural resource that is neither living nor renewable.

**8.** No person in Antarctica shall, without a permit or written authorisation of another Party to the Protocol—

Permit for certain activities in Antarctica.

(a) remove or damage native plants intentionally in a manner that significantly affects their local distribution or abundance;

(b) fly or land a helicopter or other aircraft intentionally in a manner that disturbs any concentration of native birds or seals;

(c) use a vehicle or vessel, including a hovercraft and a small boat, intentionally in a manner that disturbs any concentration of native birds or seals;

(d) use an explosive or firearm intentionally in a manner that disturbs any concentration of native birds or seals;

(e) while on foot, wilfully disturb a breeding or moulting native bird or concentration of seals;

(f) significantly damage any concentration of terrestrial native plants by landing an aircraft, driving a vehicle or walking on it;

(g) engage in any activity that results in the significant adverse change of the habitat of any specially protected species or population of native mammals, native birds, native plants or native invertebrates;

(h) remove soil or any biological material native to Antarctica intentionally; or

(i) kill, injure, capture, handle or molest a native mammal or native bird unless such act was done to protect the life of a person.

*Explanation.*—For the purposes of this section,—

(i) "native bird" means a member, at any stage of its life cycle including eggs, of any species of the class Aves that is indigenous to Antarctica or that occurs there seasonally through natural migrations including any part, product, egg, or offspring or the dead body or parts thereof and fossils;

(ii) "native invertebrate" means any terrestrial or aquatic invertebrate, at any stage of its life cycle that is indigenous to Antarctica, including any part thereof and fossils;

(iii) "native mammal" means a member of any species of the class mammalia that is indigenous to Antarctica or that occurs there seasonally through natural migrations including any part, product, egg, or offspring of or the dead body or parts thereof and fossils;

(iv) "native plant" means any terrestrial or aquatic vegetation, including bryophytes, lichens, fungi and algae, at any stage of its life cycle, including seeds and other propagules, that is indigenous to Antarctica or parts of such vegetation, other than fossils;

(v) "specially protected species" means any native species designated as a specially protected species in the Protocol and the Convention.

Permit for introducing non-native animals and plants into Antarctica.

**9.** No person, vessel or aircraft shall introduce in any part of Antarctica any animal of a species that is not indigenous to Antarctica, or any plant that is not a native plant, except in accordance with a permit or the written authorisation of another Party to the Protocol:

Provided that the provisions of this section shall not apply to food other than poultry or live animals.

Permit for introducing microscopic organisms.

**10.** No person shall introduce into any part of Antarctica any microscopic organism of a species which is not indigenous to Antarctica, except in accordance with a permit or the written authorisation of another Party to the Protocol.

Permit to enter protected areas.

**11.** No person or vessel or aircraft shall enter into an Antarctic Specially Protected Area or Marine Protected Area as may be prescribed except in accordance with a permit or the written authorisation of another Party to the Protocol.

Permit for waste disposal.

**12.** No person, vessel or aircraft shall dispose of waste in Antarctica except in accordance with a permit or the written authorisation of another Party to the Protocol.

Permit for discharge into sea.

**13.** No vessel shall, while in Antarctica, discharge into the sea any oil or oily mixture, effluent, bilge water or any food waste except in accordance with a permit or the written authorisation of another Party to the Protocol.

Permit for removal of biological specimen or any other sample from Antarctica.

**14. (1)** The Committee may, in individual cases, for reasons to be recorded in writing, grant permit for the following purposes, namely:—

(i) to obtain specimens or any other sample for study or scientific information;

(ii) to obtain specimens for museums, herbariums, zoological and botanical gardens, or other educational or cultural institutions or uses:

Provided that such permission shall be limited so as to ensure that—

(a) only such number of native mammals, birds, invertebrates, plants or any other sample are taken that are strictly necessary to meet the purposes of this section;

(b) only such number of native mammals or birds are killed, such that it can normally be replaced by natural reproduction in the following season;

(c) the diversity of species, as well as the habitats essential to their existence and the balance of the ecological systems existing in the Antarctica are maintained;

(d) *Ommatophocarossii* (Ross Seal) or any other species as may be prescribed shall be accorded special protection and permit for killing, injuring, capturing or handling of these species may be issued only for scientific purpose, if the survival or recovery of that species or local population is not jeopardised, and non-lethal techniques are used as far as possible; and

(e) the killing, injuring, capturing or handling of mammals or birds is done in a manner that involves least degree of pain and suffering.

(2) The permit issued for the purposes of this section shall specifically mention the name of the issuing authority and the receiver of the permission, the duration and place of the activity permitted including the size, weight and volume of the sample intended to be collected.

15. The provisions of sections 4, 5, 6, 11, 12 and 13 shall not apply in respect of emergencies involving the safety of a person, the protection of the environment or the safety of any vessel, aircraft, equipment or facility that has a significant value.

Certain provisions not to apply during emergencies.

16. Any person who intends to go to Antarctica for the purpose of commercial fishing shall apply for a permit to the Secretariat of the Commission for the Conservation of Antarctic Marine Living Resources through the Committee.

Special permit for commercial fishing in Antarctica.

### CHAPTER III

#### PROHIBITIONS

17. No person shall carry out any nuclear explosion or dispose of any radioactive waste material in Antarctica.

Prohibition of nuclear explosion or disposal of radioactive waste material in Antarctica.

18. No person or vessel shall introduce non-sterile soil into any part of Antarctica.

Prohibition of introducing non-sterile soil in Antarctica.

19. No person, vessel or aircraft shall introduce into Antarctica any substance or product as may be prescribed.

Prohibition of introducing specified substances and products.

20. No person shall damage, destroy or remove any historic site or monument or any of its part in Antarctica as may be prescribed.

Prohibition relating to historic sites and monuments.

21. No person or vessel or aircraft while in Antarctica, shall possess, sell, offer for sale, trade, give, transport, transfer or send anything that has been obtained in contravention of the provisions of this Act.

Prohibition of possessing, selling, etc.

22. No vessel shall, while in Antarctica, discharge into the sea any garbage, plastic or other product or substance that is harmful to the marine environment.

Prohibition of discharge of certain products or substances.

*Explanation.*—For the purposes of this section, garbage, in respect of a vessel, means all kinds of victual, domestic and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically.

### CHAPTER IV

#### COMMITTEE ON ANTARCTIC GOVERNANCE AND ENVIRONMENTAL PROTECTION

23. (1) The Central Government shall, by notification, establish a Committee to be called the Committee on Antarctic Governance and Environmental Protection consisting of the following members, namely:—

Constitution of Committee.

(a) Secretary, Ministry of Earth Sciences, Chairperson, *ex officio*;



(b) ten members not below the rank of Joint Secretary, *ex officio*, to be nominated by the Central Government, from any of the Ministries or Departments or organisations of the Central Government dealing with,—

- (i) Defence;
- (ii) External Affairs;
- (iii) Finance;
- (iv) Fisheries;
- (v) Legal Affairs;
- (vi) Science and Technology;
- (vii) Shipping;
- (viii) Tourism;
- (ix) Environment;
- (x) Communication;
- (xi) Space;
- (xii) National Centre for Polar and Ocean Research; and
- (xiii) National Security Council Secretariat;

(c) two experts to be nominated by the Central Government, from the fields of,—

- (i) Antarctic environment; and
- (ii) Geo-politics;

(d) such other experts in the relevant field, to be nominated by the Central Government.

(2) An officer, not below the rank of Joint Secretary in the Ministry of Earth Sciences, shall be the Member-Secretary, *ex officio*.

(3) The members nominated under clauses (c) and (d) of sub-section (1) shall hold office for such period and subject to such terms and conditions as may be specified in the notification referred to in sub-section (1).

(4) The members nominated under clauses (c) and (d) of sub-section (1) shall be entitled to receive such allowances or fees as may be prescribed, for attending the meetings of the Committee.

(5) In the discharge of their functions, the members shall follow such procedure as may be prescribed.

Meetings of  
Committee.

**24.** The Committee shall meet at such intervals and observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum thereat) as may be prescribed.

Functions of  
Committee.

**25.** The Committee shall perform the following functions, namely:—

- (a) monitor, implement and ensure compliance of the relevant international laws, emission standards and rules for the protection of Antarctic environment by the Operators or by any other persons engaged in programmes and activities in Antarctica;



(b) undertake any advisory, supervisory or enforcement activities in relation to programmes and activities in Antarctica;

(c) obtain and review relevant information and reports provided by Parties to the Treaty, the Convention, the Protocol and other Parties engaged in programmes and activities in Antarctica;

(d) maintain records pertaining to the programmes and activities conducted by Parties in Antarctica;

(e) ensure that the programmes and activities are consistent with India's obligations under the Treaty, the Convention, the Protocol and with such other relevant law for the time being in force in India;

(f) determine the terms and conditions of the permit issued under this Act;

(g) negotiate fees or charges with other Parties to the Treaty, the Convention and the Protocol on a case to case basis in respect of the programmes and activities in Antarctica;

(h) collaborate with other Parties to attain the above goals; and

(i) such other functions as may be delegated to it by the Central Government.

**26. (1)** The Central Government may give such directions, as it may deem necessary, to the Committee for the effective administration of this Act and the Committee shall comply with such directions.

Power of Central Government to give directions.

**(2)** In case of a dispute between the Committee and the Central Government, the decision of the Central Government shall be final.

## CHAPTER V

### GRANT, SUSPENSION OR CANCELLATION OF PERMIT

**27. (1)** Every application for grant of permit under this Act shall be made to the Committee in accordance with the provisions of this Chapter.

Application for permit.

**(2)** Every application under sub-section (1) shall be in such form, contain such particulars and be accompanied by such fees as may be prescribed.

**(3)** The Committee may, after making such inquiry as it deems fit and having regard to the particulars referred to in sub-section (4) and subject to such terms and conditions as may be prescribed, grant permit for the purposes of this Act.

**(4)** While granting permit under sub-section (3), the Committee shall have regard to the following matters, namely:—

(a) adverse effect on climate or weather patterns;

(b) adverse effect on air, snow, soil, land or water quality;

(c) significant changes in the atmospheric, terrestrial, aquatic, glacial, noise or marine environment;

(d) harmful changes in the distribution, abundance or productivity of native microbes, animal or plant species or their population;

(e) harm or jeopardise endangered species or population;

(f) harm or significantly jeopardise the areas of environmental, biological, geological, scientific, historic, wilderness or aesthetic significance or of a primeval nature; and

(g) such other significant detrimental effects on the Antarctic environment and its dependent and associated ecosystems as may be prescribed.

(5) The Committee shall, before issuing a permit, require the applicant to carry out the environmental impact assessment of the proposed activities in such manner as may be prescribed and shall issue a permit if the conditions specified therein has been complied with:

Provided that any application for a permit relating to activities in Antarctica which has reasonable apprehension of causing less than a minor or transitory impact on the environment shall be made to the Committee six months prior to the commencement of the proposed activity:

Provided further that while examining an activity, the Committee shall take into account the opinion of the independent experts:

Provided also that if after examination, the Committee is satisfied that such activity has reasonable apprehension of causing minor or transitory impact on the environment, then it shall require the applicant to conduct an Initial Environmental Evaluation and to submit a report thereon to it, three months prior to the commencement of the proposed activity:

Provided also that if after conducting the Initial Environmental Evaluation, the Committee is of the opinion that the activities will have more than a minor or transitory impact on the environment, it shall require the applicant to conduct a Comprehensive Environmental Evaluation and to submit a report thereon.

(6) Notwithstanding anything contained in this Act, the Committee shall not grant a permit under this section authorising any person or a vessel or an aircraft on an Indian expedition, unless it is satisfied that a waste management plan and an emergency plan for the expedition have been prepared in such manner as may be prescribed:

Provided that the waste management plan shall include details of such wastes which are intended to be shipped from Antarctica into the Indian territory or territory of any other Party for disposal.

*Explanation.*—For the purposes of this sub-section,—

(i) "waste management plan" means the waste management plan referred to in sub-section (3) of section 34;

(ii) "emergency plan" means a plan to meet the environmental emergency referred to in section 39.

(7) The permit granted under this section, unless sooner revoked, shall remain in force for such period as specified in the permit and may be renewed, on an application made in this behalf sixty days before the date of its expiration, for such period and on payment of such fees as may be prescribed:

Provided that a permit may be renewed on an application made within sixty days before the date of its expiration, if the Committee is satisfied that there was sufficient cause for not making the application on time.

Liability of owner or Operator in certain cases.

**28.** Notwithstanding anything contained in any other law for the time being in force, where a vessel or aircraft is part of an Indian expedition or fishing in Antarctica but whose owner or Operator is not part of such expedition or fishing, then such owner or Operator who is sufficiently identified in the permit, either by class or other description shall also be bound by the conditions of the permit.

Suspension or cancellation of permit.

**29.** (1) If the Committee has reasonable grounds to believe that the holder of any permit has made any incorrect or false statement or concealed any material fact in the

application or has contravened any of the provisions of this Act or the rules or orders made or notifications issued thereunder or contravened any conditions of permit, it may, by order, suspend the permit pending the completion of any inquiry against such permit holder.

(2) After making an inquiry under sub-section (1), the Committee may, without prejudice to any other penalty to which such permit holder may be liable under the provisions of this Act, cancel the permit:

Provided that no permit shall be suspended under sub-section (1) or cancelled under this sub-section, unless the holder of the permit has been given a reasonable opportunity of being heard:

Provided further that the Committee may suspend or cancel a permit without giving the permit holder an opportunity of being heard, if it is satisfied, for reasons to be recorded in writing, that it is not reasonably practicable to do so.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Central Government or the Committee may, in the interest of national security, maintenance of law and order or any other matter of public interest and without prejudice to any additional penalty to which such permit holder may be liable under the provisions of this Act, order the suspension or cancellation of such permit.

(4) Any person whose permit has been suspended under sub-section (1) shall, immediately after such suspension, stop all activities in respect of which the permit has been granted, until the order of suspension has been revoked.

(5) Every holder of a permit which is suspended or cancelled shall, immediately after such suspension or cancellation, surrender the permit to the Committee.

(6) Every order of suspension or cancellation of a permit under this section shall be in writing.

## CHAPTER VI

### INSPECTIONS

**30.** (1) The Central Government may designate any officer as an Inspector, having such qualifications and experience as may be prescribed, for performing the duties and exercising the powers of inspections in India under this Act. Inspection in India.

(2) The Inspector may, for the purposes of this Act—

(a) enter and search any place including vessel, container, platform anchored at sea, shipping container or conveyance;

(b) examine any substance, product or thing;

(c) open and examine any receptacle or package, if it contains any doubtful substance, product or thing;

(d) examine any book, record, data or other documents and make copies or take extracts of the same;

(e) take samples of things, if relevant;

(f) conduct any test or take any measurement; and

(g) such other functions as may be prescribed.

(3) The Inspector may confiscate a sample taken in violation of the permit issued under this Act.

(4) The owner or person-in-charge of a place being inspected and every person found in the place of inspection shall—

(a) extend all reasonable assistance to enable the Inspector to carry out his duties under this Act; and

(b) provide any information which the Inspector may require.

Inspection of  
international  
facilities.

**31. (1)** The Committee shall constitute an inspection team consisting of such number of observers as it may deem necessary and shall designate one of them as the head of the team, for the purposes of carrying out inspections in Antarctica in such manner as may be prescribed.

(2) The Committee may designate any of its officer having such qualifications and experience as may be prescribed, to be an Analyst who shall be a part of the inspection team.

(3) The Analyst shall collect and examine any sample or matter and perform such other duties as may be delegated to him by the head of the inspection team.

(4) The inspections in Antarctica may be carried out jointly with one or more Parties, if deemed necessary.

(5) The inspection team may inspect any station after giving prior notice to the Party or Parties whose station it proposes to inspect.

(6) The inspection team may, at any reasonable time, enter any place including vessel, aircraft, container, platform anchored at sea, shipping container or conveyance, managed by India in Antarctica to which it has reasonable grounds to believe that the provisions of this Act apply:

Provided that nothing in this sub-section shall apply to such vessel or aircraft which is not part of an Indian expedition.

(7) The inspection team may, at any reasonable time, board or travel in a vessel or an aircraft in Antarctica and may carry out inspection of such vessel or aircraft or its communication system after giving prior notice to the Party concerned.

(8) Notwithstanding anything contained in this section, the inspection team shall not inspect any station, installation, equipment, platform anchored at sea, shipping container or conveyance that is owned by a person who is neither a citizen of India nor a part of Indian expedition unless due notice for inspection of the property or installation has been served to the Party who is the owner of such property or installation.

(9) The owner of a place or a person-in-charge of a place being inspected under this Act and every person found in the place shall give all reasonable assistance to enable the inspection team to carry out its functions under this Act and provide with any information as may be required by it.

(10) The inspection team may exercise such other powers and perform such other functions as may be prescribed.

Obstruction  
and false  
information.

**32. (1)** No person shall obstruct an Inspector or inspection team or hinder any of them in performing their functions in India or in Antarctica.

(2) No person shall knowingly or negligently provide any person false or misleading information, results or samples or file a document containing false or misleading information.

## CHAPTER VII

### WASTE DISPOSAL AND WASTE MANAGEMENT

Waste  
disposal.

**33.** The waste disposal sites on land and abandoned worksites shall be cleaned up by the generators of such waste and the users of such sites:

Provided that the provisions of this section shall not apply if the removal of any structure or waste material may result in any adverse environmental impact referred to in sub-section (5) of section 27 than leaving the structure or waste material in its existing location.

**34. (1)** The Committee shall establish a waste classification system—

(a) for recording waste in Antarctica from activities by the persons authorised under this Act; and

(b) to facilitate studies on the environmental impacts of scientific activities and associated activities.

Establishment of waste classification system and waste management plans.

(2) For the purposes of sub-section (1), the waste shall be segregated into the following categories, namely:—

(a) sewage and domestic liquid waste;

(b) other liquid waste such as medical and chemical waste including fuels and lubricants;

(c) solids, including organic waste, to be incinerated;

(d) other solid waste;

(e) radioactive material; and

(f) any other waste as may be prescribed.

(3) The Committee shall prepare, review annually and update its waste management plans, including plans on waste reduction, storage and disposal, specifying for each station, facility, field site, field camps, vessel and aircraft—

(a) programmes for cleaning up existing waste disposal sites and abandoned worksites;

(b) current and planned waste management arrangements;

(c) current and planned arrangements for analysing the environmental effects of waste and waste management;

(d) other measures aimed at minimising the environmental effects of waste and waste management.

(4) No separate information shall be required for small boats which are part of the operations of fixed sites or of vessels.

(5) The existing management plans for vessels and aircraft shall be taken into account in preparing the waste management plans under this section.

(6) The Committee shall, as far as practicable, prepare an inventory of locations of past activities, including traverses, fuel depots, field bases, crashed aircraft or any other accidents and such other areas as may be prescribed.

(7) The waste management plans and reports on their implementation shall be included in the annual exchange of information with other Parties to the Treaty.

(8) The Committee shall appoint or designate a waste management officer for each station, facility and worksite who shall monitor the implementation of the waste reduction and disposal plans and make proposals for their continued development.

**35. (1)** The following waste produced in Antarctica by generators of such waste shall be removed from there, namely:—

Removal of waste from Antarctica.

(a) radioactive substances within the meaning of the Atomic Energy Act, 1962;

(b) all kinds of batteries or components thereof;

(c) fuel, both liquid and solid;

(d) waste containing harmful levels of heavy metals or acutely toxic or harmful persistent compounds;

(e) Polyvinyl chloride, polyurethane, polystyrene foam, rubber, lubricating oils, treated timbers and other products which contain additives that may produce harmful emissions, if incinerated;

(f) all other plastic waste;

(g) fuel drums other than those required for logistics purposes;

(h) other solid, non-combustible waste including but not restricted to glass and metal scraps;

(i) residues of carcasses of imported animals;

(j) laboratory culture of microorganisms and plant pathogens;

(k) introduced avian products;

(l) ash and products of incineration;

(m) unserviceable machineries and equipment including electronics; and

(n) such other waste as may be prescribed.

(2) The provisions of sub-section (1) shall not apply to waste,—

(a) if they are incinerated, autoclaved or otherwise treated to be made sterile; or

(b) if the removal of such waste shall result in greater adverse environmental impact referred to in sub-section (5) of section 27, than leaving them in their existing locations.

(3) The domestic waste and other liquid waste shall be treated before removing from Antarctica and shall be disposed of on ice-free land areas, sea ice, ice shelves or the grounded ice-sheet and shall not be discharged into the lake either directly or indirectly:

Provided that the standards for effluent discharge shall be such as may be prescribed.

(4) The provisions of sub-section (3) shall not apply to substances generated by station located on ice shelves or the grounded ice-sheet, provided that such waste are disposed of after treatment in deep ice pits which is the only practicable option and such pits are not located on known ice-flow lines which terminate at ice-free areas or in areas of high ablation.

(5) The waste under this section shall be disposed of into the sea subject to a permit issued in that regard under section 12.

(6) The waste generated at field camps shall be removed to supporting stations or vessels for disposal.

Disposal of  
combustive  
wastes.

**36.** (1) The combustible waste which are not removed by generators of such waste shall be burnt in incinerators to a maximum extent practicable to avoid harmful emissions and shall not be burned openly.

(2) The standards for emission from incineration of waste under sub-section (1) and from other equipment and vehicles shall be such as may be prescribed.

Storage of  
wastes.

**37.** (1) All waste to be removed from Antarctica, or otherwise disposed of by the generators of such waste, shall be segregated, contained, confined and stored in such a way so as to prevent their dispersal into the environment.

(2) The containers and tank-systems holding or used for storing hazardous waste shall be—

(a) in good and non-leaking condition;

(b) made of or lined with materials which will not react with, and are otherwise compatible with, the waste to be stored, so that the ability of the containers to contain such waste is not impaired;

(c) stored in a manner that allows access for inspection and response to emergencies; and

(d) inspected at least once in a week for identifying any leakage and deterioration thereof and shall be documented.

## CHAPTER VIII

### PREVENTION OF MARINE POLLUTION AND LIABILITY FOR ENVIRONMENTAL EMERGENCY

**38.** (1) The Committee shall ensure compliance of any activity undertaken in the Antarctic environment and dependent and associated ecosystems by the permit holder, including compliance of such International Conventions or Treaty or Protocol or such other international obligations, as may be prescribed.

Committee to ensure compliance of international obligations.

44 of 1958.

(2) The permit holder shall maintain records of all waste and sewages, including all introductions and discharges into the marine environment caused by operation of vessels as part of the activity and the said records shall be submitted to the Director General appointed under the Merchant Shipping Act, 1958 and the Committee, whenever required.

44 of 1958.

**39.** (1) If an environmental emergency occurs from any activity in Antarctica and dependent and associated ecosystems, the Operator shall, without delay, take effective response action and inform the Committee and the Director General appointed under the Merchant Shipping Act, 1958 of such environmental emergency and thereafter, the Committee shall transmit it to the Parties to the Treaty.

Duties and liabilities of Operator in case of environmental emergency.

(2) If no response action is taken by the Operator under sub-section (1) and the nature of the environmental emergency requires immediate response action, the Party, where the vessel or aircraft is registered, may undertake such action on behalf of the Operator, and the Operator shall be liable to pay the cost of such response action taken by the Party or Parties, as may be prescribed in accordance with Annex VI to the Protocol.

(3) If no response action is taken by the Operator or by any Party or Parties, the Operator shall be liable to such penalty as may be prescribed in accordance with Annex VI to the Protocol.

*Explanation.*—For the purposes of this section, the expression "environmental emergency" means any unforeseen or accidental event that results in, or imminently threatens to result in, significant and harmful impact on the Antarctic environment.

**40.** An Operator shall not be liable for an environmental emergency under section 39, if it is proved that such emergency is caused by—

Exemption of Operator from liability in certain cases.

(a) an act or omission that was necessary to protect human life;

(b) a natural disaster of an extraordinary nature which could not reasonably be foreseen and the Operator had taken all reasonable measures to reduce the risk and potentially harmful effects of the environmental emergency;

(c) an act of terrorism; and

(d) an act of war aimed at the Operator's activity:

Provided that the Operator shall submit an explanation to the Committee of his act or omission within a period of sixty days from the date of such emergency, stating the reasons therefor.

## CHAPTER IX

### OFFENCES AND PENALTIES

**41.** Any person who contravenes the provisions of,—

(a) section 4 or section 5 or section 8 or section 12 or section 18 or section 19 or section 20 or section 21 or sub-section (4) of section 29 or section 36 or section 37, shall be punishable with imprisonment for a term which may extend to two years, or

Penalty for contravention of certain provisions of Act by person.



with fine which shall not be less than ten lakh rupees but which may extend to fifty lakh rupees, or with both;

(b) section 7 or section 9 or section 10, shall be punishable with imprisonment for a term which may extend to seven years and with fine which shall not be less than ten lakh rupees but which may extend to fifty lakh rupees;

(c) section 17, shall be punishable, with—

(i) an imprisonment for a term which shall not be less than twenty years but which may extend to imprisonment for life and with fine which shall not be less than fifty crore rupees for any nuclear explosion in Antarctica; and

(ii) an imprisonment for a term which shall not be less than fourteen years but which may extend to imprisonment for life and with fine which shall not be less than twenty-five crore rupees for disposal of any radioactive waste material in Antarctica.

(d) section 11 or section 16 or section 33 or section 35, shall be punishable with imprisonment for a term which may extend to three years, or with fine which shall not be less than fifteen lakh rupees but which may extend to seventy-five lakh rupees, or with both;

(e) section 14 or section 32, shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than five lakh rupees but which may extend to twenty lakh rupees, or with both.

Penalty for contravention of certain provisions of Act involving vessel.

**42.** Where the contravention involves a vessel under this Act, the Operator of such vessel shall be punishable,—

(a) for contravention of section 6 or section 11 or section 12 or section 13 or section 18 or section 19 or section 21 or section 22, with imprisonment for a term which may extend to three years, or with fine which shall not be less than one crore rupees but which may extend to five crore rupees, or with both;

(b) for contravention of section 7 or section 9 or section 39, with imprisonment for a term which may extend to seven years and with fine which shall not be less than two crore rupees but which may extend to ten crore rupees, or with both.

Penalty for contravention of certain provisions of Act involving aircraft.

**43.** Where the contravention involves an aircraft under this Act, the Operator of such aircraft shall be punishable,—

(a) for contravention of section 6 or section 11 or section 12 or section 19 or section 21, with imprisonment for a term which may extend to three years, or with fine which shall not be less than one crore rupees but which may extend to five crore rupees, or with both;

(b) for contravention of section 9, with imprisonment for a term which may extend to seven years and with fine which shall not be less than two crore rupees but which may extend to ten crore rupees, or with both.

Penalty where no provision made in Act.

**44.** Any person who contravenes the provisions of this Act or fails to comply with any provision thereof which it was his duty to comply with, and in respect of which no penalty is specifically provided in this Act, shall be punishable with fine which may extend to ten lakh rupees.

Offences by companies.

**45.** (1) Where any offence under this Act has been committed by a company, every person who at the time the offence was committed was in-charge of, or was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:



Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner of the firm.

## CHAPTER X

### MISCELLANEOUS

**46.** (1) There shall be constituted a fund to be called the Antarctic Fund and there shall be credited thereto,— Constitution of fund.

(a) all fees received for grant of permit and charges collected for Antarctic related activities under this Act;

(b) any grant or loans that may be made by the Central Government for the purposes of this Act; and

(c) any grant or loans that may be made by any institution for the purposes of this Act.

(2) The fund shall be applied towards the welfare of Antarctic research work and protection of Antarctic environment.

(3) The Committee shall maintain and administer the fund in such manner as may be prescribed.

**47.** (1) The Committee may require such applicants to deposit such amount as security in such form as may be prescribed. Security for permit by certain persons.

(2) The security amount may be applied by the Committee to reimburse the Government, either fully or partially, for reasonable costs incurred by the Government in preventing, mitigating or remedying any adverse environmental impact caused by the permit holder or persons or vessels bound by conditions of the permit.

**48.** (1) For the purposes of providing speedy trial of offences under this Act, the Central Government, after consulting the Chief Justice of the concerned High Court or High Courts as it may consider necessary, shall specify by notification, one or more Court of Sessions, to be the Designated Court and may specify the territorial jurisdiction of such Court. Designated Court and jurisdiction.

(2) The Designated Court shall have jurisdiction to try any offence punishable under this Act.

(3) No Designated Court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by an officer authorised in this behalf by the Central Government by notification.

(4) The Designated Court may, upon perusal of a complaint made under this Act, take cognizance of that offence without the accused being committed to it for trial.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, for the purposes of conferring jurisdiction, an offence under this Act, committed by any person or Operator in Antarctica shall be deemed to have been committed in India.

(6) While trying an offence under this Act, the Designated Court may also try an offence under any other law, other than an offence under this Act with which the accused may be charged at the same trial under the Code of Criminal Procedure, 1973.

2 of 1974.

Report to  
Committee of  
offences.

**49.** Where an offence under this Act has been committed, the officer designated by the Committee or the head of a station in Antarctica or an Operator shall immediately report to the Committee of such offence and thereafter, the Committee shall transmit it to the Central Government for necessary action.

Conferment  
of powers of  
investigation,  
etc.

**50. (1)** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, for the purposes of this Act, the Central Government may, by notification, confer on any officer of the Central Government or State Government or Committee, the power of arrest, investigation, search and seizure and prosecution exercisable by a police officer under the said Code.

2 of 1974.

(2) The officers of police shall assist the officer referred to in sub-section (1), in the execution of the provisions of this Act.

Application of  
Code of  
Criminal  
Procedure,  
1973 to  
proceedings  
before  
Designated  
Court.

**51.** Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Designated Court and the person conducting a prosecution before a Designated Court shall be deemed to be a Public Prosecutor.

2 of 1974.

Accounts and  
audit of fund.

**52. (1)** The Committee shall maintain proper accounts and other relevant records in relation to the fund and prepare an annual statement of accounts, including the profit and loss account and the balance-sheet, in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.

Returns and  
reports.

**53. (1)** The Committee shall furnish to the Central Government, at such time and in such form and manner as may be prescribed, or as the Central Government may direct, such returns and statements with such particulars with regard to any proposed or existing programme for the promotion and development of the environmental protection in Antarctica, as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Committee shall, as soon as possible after the end of each financial year, submit to the Central Government a report in such form and manner as may be prescribed, giving a true and full account of its activities, policies and programmes undertaken during the previous financial year.

Protection of  
action taken  
in good faith.

**54.** No suit, prosecution or other legal proceeding shall lie against the Central Government, State Government or the Committee or its members, officers and other employees or any officer authorised by the Central Government or the Committee for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

Power to  
make rules.

**55. (1)** The Central Government may make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the Antarctic Specially Protected Area and Marine Protected Area under section 11;

(b) any other species under clause (d) of sub-section (1) of section 14;

(c) substance or product which shall not be introduced into Antarctica under section 19;

(d) historic site or monument or its part under section 20;

(e) the allowances or fees for nominated members under sub-section (4) and the procedure to be followed by members under sub-section (5) of section 23;

(f) the intervals at which the Committee shall meet, the rules of procedure in regard to transaction of business at its meetings and its quorum under section 24;

(g) the form of application for permit, particulars and fees under sub-section (2) of section 27;

(h) the terms and conditions of the permit under sub-section (3) of section 27;

(i) other significant detrimental effects on the Antarctic environment and its dependent and associated ecosystems under clause (g) of sub-section (4) of section 27;

(j) the manner of carrying out environmental impact assessment to be conducted by the applicant under sub-section (5) of section 27;

(k) the manner of preparing waste management plan and emergency plan under sub-section (6) of section 27;

(l) the period for which permit may be granted and fee to be paid for its renewal under sub-section (7) of section 27;

(m) the qualification and experience of an officer to be designated as Inspector under sub-section (1) and other functions of the Inspector under clause (g) of sub-section (2) of section 30;

(n) the manner of carrying out inspections under sub-section (1), the qualifications and experience of an Analyst under sub-section (2) and other powers and functions of the inspection team under sub-section (10), of section 31;

(o) any other waste under clause (f) of sub-section (2) and other areas in respect of which an inventory of locations may be prepared under sub-section (6), of section 34;

(p) such other waste under clause (n) of sub-section (1) and the standards for effluent discharge under the proviso to sub-section (3), of section 35;

(q) the standards for emission of combustible waste, equipment and vehicles under sub-section (2) of section 36;

(r) other International Conventions or Treaty or Protocol or other international obligations which the permit holder shall comply under sub-section (1) of section 38;

(s) the cost of response action under sub-section (2) and the amount of penalty to be paid by the Operator under sub-section (3), of section 39;

(t) the manner in which the Committee shall maintain and administer the fund under sub-section (3) of section 46;

(u) the category of applicants who may deposit security with the Committee, the form of such deposit and the security amount under sub-section (1) of section 47;

(v) the form in which the Committee shall prepare an annual statement of accounts under sub-section (1) of section 52;

(w) the time within which and the form and manner in which the Committee shall furnish to the Central Government, the returns and statements under sub-section (1) and the form and manner of report under sub-section (2), of section 53; and

(x) any other matter which is to be, or may be prescribed.

Power to  
remove  
difficulties.

**56.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the date of commencement of this Act.

Rules,  
notifications  
or orders made  
or issued to be  
laid before  
Parliament.

**57.** Every rule and every notification or order issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or order or both Houses agree that the rule or notification or order should not be made or issued, the rule, notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or order.

DR. REETA VASISHTA,  
*Secretary to the Govt. of India.*

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-81**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 28 ಕೇಶಾಪು 2022

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12.09.2022.

ದಿನಾಂಕ: 08.08.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE WEAPONS OF MASS DESTRUCTION AND THEIR DELIVERY SYSTEMS (PROHIBITION OF UNLAWFUL ACTIVITIES) AMENDMENT ACT, 2022 (NO. 14 OF 2022) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-08082022-238000  
CG-DL-E-08082022-238000

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 16] नई दिल्ली, सोमवार, अगस्त 8, 2022/श्रावण 17, 1944 (शक)  
No. 16] NEW DELHI, MONDAY, AUGUST 8, 2022/SRAVANA 17, 1944 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 8th August, 2022/Sravana 17, 1944 (Saka)*

The following Act of Parliament received the assent of the President on the 6th August, 2022 and is hereby published for general information:—

### THE WEAPONS OF MASS DESTRUCTION AND THEIR DELIVERY SYSTEMS (PROHIBITION OF UNLAWFUL ACTIVITIES) AMENDMENT ACT, 2022

No. 14 OF 2022

[6th August, 2022.]

An Act to amend the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Act, 2022. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005, after section 12, the following section shall be inserted, namely:— Insertion of new section 12A.

"12A. (1) No person shall finance any activity which is prohibited under this Act, or under the United Nations (Security Council) Act, 1947 or any other relevant Prohibition on financing.

Act for the time being in force, or by an order issued under any such Act, in relation to weapons of mass destruction and their delivery systems.

(2) For prevention of financing by any person of any activity which is prohibited under this Act, or under the United Nations (Security Council) Act, 1947 or any other relevant Act for the time being in force, or by an order issued under any such Act, in relation to weapons of mass destruction and their delivery systems, the Central Government shall have power to— 43 of 1947.

(a) freeze, seize or attach funds or other financial assets or economic resources—

(i) owned or controlled, wholly or jointly, directly or indirectly, by such person; or

(ii) held by or on behalf of, or at the direction of, such person; or

(iii) derived or generated from the funds or other assets owned or controlled, directly or indirectly, by such person;

(b) prohibit any person from making funds, financial assets or economic resources or related services available for the benefit of persons related to any activity which is prohibited under this Act, or under the United Nations (Security Council) Act, 1947 or any other relevant Act for the time being in force, or by an order issued under any such Act, in relation to weapons of mass destruction and their delivery systems. 43 of 1947.

(3) The Central Government may exercise its powers under this section through any authority who has been assigned the power under sub-section (1) of section 7.”.

DR. REETA VASISHTA,  
*Secretary to the Govt. of India.*

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
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ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-82**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 29 ಕೇಶಾಪು 2022

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12.09.2022.

ದಿನಾಂಕ: 12.08.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ  
Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE NATIONAL ANTI-DOPING ACT, 2022  
(NO. 15 OF 2022) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು  
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-





# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-12082022-238063  
CG-DL-E-12082022-238063

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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सं० 17]	नई दिल्ली, शुक्रवार, अगस्त 12, 2022/ श्रावण 21, 1944 (शक)
No. 17]	NEW DELHI, FRIDAY, AUGUST 12, 2022/SRAVANA 21, 1944 (SAKA)

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 12th August, 2022/Sravana 21, 1944 (Saka)*

The following Act of Parliament received the assent of the President on the 12th August, 2022 and is hereby published for general information:—

### THE NATIONAL ANTI-DOPING ACT, 2022

No. 15 OF 2022

[12th August, 2022.]

An Act to provide for the constitution of the National Anti-Doping Agency for regulating anti-doping activities in sports and to give effect to the United Nations Educational, Scientific and Cultural Organisation International Convention against doping in sport, and compliance of such other obligations and commitments thereunder and for matters connected therewith or incidental thereto.

WHEREAS India is a signatory to the United Nations Educational, Scientific and Cultural Organisation International Convention against doping in sport;

AND WHEREAS India has ratified the said Convention on the 7th day of November, 2007;

AND WHEREAS it is considered expedient to maintain highest standards of integrity while participating and preparing for sports competition domestically and internationally, to regulate anti-doping activities in sports and to meet obligations of India under the said Convention.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the National Anti-Doping Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Agency" means the National Anti-Doping Agency incorporated and constituted under sub-section (1) of section 14;

(b) "Anti-Doping Rule Violation" means the circumstance, act or conduct specified in section 4;

(c) "Appeal panel" means the National Anti-Doping Appeal panel constituted under section 12;

(d) "athlete" means any person who competes in any sport at the national level or international level or participates in any competition or event to which this Act applies;

(e) "athlete support personnel" means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel or such other person working with or treating or assisting an athlete who is participating in, or preparing for, a competition or event at the national level or international level or to which this Act applies;

(f) "Board" means the National Board for Anti-Doping in Sports established under sub-section (1) of section 7;

(g) "Chairperson" means the Chairperson of the Board appointed under sub-section (2) of section 7;

(h) "Code" means the World Anti-Doping Code adopted and amended from time to time by the World Anti-Doping Agency;

(i) "competition" means a single race, match, game or singular contest;

(j) "Convention" means the United Nations Educational, Scientific and Cultural Organisation International Convention against doping in sport;

(k) "Director General" means the Director General appointed under sub-section (3) of section 14;

(l) "Disciplinary Panel" means the National Anti-Doping Disciplinary Panel constituted under sub-section (1) of section 11;

(m) "dope testing laboratory" means a laboratory established or recognised under section 26;

(n) "doping Control" includes all steps and processes from test distribution planning up to the disposal of any appeal and enforcement of consequences, including all steps and processes in between, including but not limited to, testing, investigation, whereabouts, Therapeutic Use Exemptions, sample collection and handling, laboratory analysis, Results Management, hearings and appeals, and investigations or proceedings relating to an Anti-Doping Rule Violation;

(o) "doping in sport" means the occurrence of any Anti-Doping Rule Violations specified in section 4;

(p) "event" means a series of individual competitions conducted together under anyone ruling body, such as Olympic Games, World Championships of an International Federation and such other event;

(q) "In-competition Testing" means collection of sample for testing from an athlete who is participating in a competition where such collection is made at any time during the period commencing at 11:59 p.m. on the day before the competition in which such athlete is scheduled to participate till the end of such competition and the sample collection process related to such competition;

(r) "international event" means an event or competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a major event organisation or another international sport organisation is the governing body for such event or appoints the technical officials for the event;

(s) "International Federation" means the international governing body for a particular sport;

(t) "Member" means a Member of the Board appointed under sub-section (2) of section 7 and includes the Chairperson thereof;

(u) "national event" means a sport event or competition involving international level or national level athletes which is not an international event;

(v) "National Sports Federation" means any recognised body governing a particular sport to which the Code is applicable;

(w) "Other Anti-Doping Organisations" means organisations which are responsible for adopting anti-doping rules for initiating, implementing or enforcing any part of the doping control process and include the World Anti-Doping Agency, the International Olympic Committee, the International Paralympic Committee, other major event organisations that conduct testing at their events and International Federations, but does not include the Agency;

(x) "Out-of-competition Testing" means sample collection during any period other than the period specified for in-competition testing;

(y) "person" means a natural person or an organisation or other entity;

(z) "prescribed" means prescribed by rules made under this Act;

(za) "Prohibited List" means the list of prohibited substances and prohibited methods specified by the Agency by regulations;

(zb) "prohibited method" means any method listed in the Prohibited List;

(zc) "prohibited substance" means any substance listed in the Prohibited List;

(zd) "regulations" means regulations made by the Board or the Agency, as the case may be;

(ze) "sample" means any biological material collected from an athlete for the purpose of doping control under this Act;

(zf) "Society" means the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, registered as a society under the Societies Registration Act, 1860 and functioning as such immediately before the commencement of this Act;

(zg) "testing" means the parts of the doping control process involving test distribution planning, sample collection, sample handling, sample transport to the laboratory and testing of samples;

(zh) "use" means the utilisation, application, ingestion, injection or consumption by any means whatsoever of any prohibited substance or prohibited method;

(zi) "World Anti-Doping Agency" means an international agency established on 10th November, 1999 in Switzerland which adopts and amends the Code for giving effect to anti-doping policies and international standards.

## CHAPTER II

### PROHIBITION OF DOPING IN SPORT AND ANTI-DOPING RULE VIOLATIONS

Prohibition of  
doping in  
sport.

3. (1) No athlete, athlete support personnel or other persons shall indulge in doping in sport.

(2) Every athlete, athlete support personnel or other persons shall ensure that there is no occurrence of any Anti-Doping Rule Violation as specified in section 4.

(3) Every athlete shall participate in a sport competition at all levels with highest standards of integrity and ethics and in accordance with the provisions of this Act and the rules and regulations made thereunder.

(4) Every athlete, athlete support personnel and other persons participating or involved in sport shall accept the anti-doping rules as a condition of such participation or involvement and be bound by the provisions of this Act and the rules and regulations made thereunder.

(5) Every athlete, athlete support personnel and other persons shall be responsible for knowing what constitutes Anti-Doping Rule Violations and the restrictions on the use of prohibited substances and the prohibited methods which are included in the Prohibited List.

(6) The provisions of this Act shall apply to such persons who are specified by the Central Government to be protected persons, to such extent and in such manner, as may be prescribed.

Anti-Doping  
Rule  
Violations.

4. Anyone or more of the following circumstances or acts or conduct by an athlete or athlete support personnel or other persons shall constitute Anti-Doping Rule Violation for the purposes of this Act, namely:—

(a) the presence of a prohibited substance or its metabolites or markers in an athlete's sample;

(b) use or attempted use of any prohibited substance or a prohibited method, unless such use is exempted by the Agency under section 5;

(c) refusing or failing without compelling justification, to submit sample collection after notification as authorised in applicable anti-doping rules or otherwise evading sample collection;

(d) whereabouts failure;

*Explanation.*—For the purposes of this clause, the term "whereabouts failure" means—

(i) filing failure, that is to say, the athlete has failed to submit his whereabouts information before the required deadline or to update the same after change in circumstances or if submitted on time, has submitted incomplete, inaccurate or insufficient information to locate him for testing; or

(ii) missed test, that is to say, though the athlete has filed his whereabouts information, he is not available at the location for testing; or

(iii) such other omissions or failures as may be specified by the Agency by regulations;

(e) tampering, or attempting to tamper, with any part of doping control;

(f) possession of prohibited substances or prohibited methods;

(g) trafficking or attempted trafficking in any prohibited substance or prohibited method;

(h) administration or attempted administration of a prohibited substance or prohibited method to any athlete;

(i) assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of complicity involving an Anti-Doping Rule Violation or any attempted Anti-Doping Rule Violation or violation of the prohibition against participation during ineligibility or provisional suspension;

(j) prohibited association with such athlete, athlete support personnel or other persons as may be specified by the Agency by regulations;

(k) discouraging or retaliating against reporting to authorities;

(l) such other circumstances, or engaging in such other acts or conduct, which amounts to Anti-Doping Rule Violation, as may be specified by the Agency by regulations.

5. (1) Where any substance or method is included in the Prohibited List and such prohibited substance or prohibited method is required for use by any athlete on the ground of medical conditions, such athlete may make an application to the Agency for granting Therapeutic Use Exemption in respect of such prohibited substance or prohibited method.

Therapeutic  
Use  
Exemptions.

(2) The Agency may consider the application received by it under sub-section (1) in such manner and after taking into consideration such criteria as may be specified by regulations.

(3) The Agency shall, either grant or refuse to grant Therapeutic Use Exemptions in respect of the application received under sub-section (1), in such manner as may be specified by regulations.

(4) Any person aggrieved by the decision of the Agency under sub-section (3) may prefer an appeal to the Appeal Panel.

6. (1) The consequences of Anti-Doping Rule Violations by an individual athlete or athlete support personnel may result in one or more of the following, namely:—

Consequences  
of Anti-  
Doping Rule  
Violations.

(a) disqualification of results with all consequences including forfeiture of medals, points and prizes, in such manner as may be specified by the Agency by regulations;

(b) ineligibility to participate in any competition or event or other activity or funding, for such period and in such manner, as may be specified by the Agency by regulations;

(c) provisional suspension from participating in any competition or activity prior to the decision in appeal under section 23 in such manner as may be specified by the Agency by regulations;

(d) imposition of financial sanction including proportionate recovery of costs, in such manner as may be specified by the Agency by regulations;

(e) public disclosure and such other consequences as may be specified by the Agency by regulations.

(2) The consequences of Anti-Doping Rule Violations for team sports and protected persons shall be such as may be specified by regulations.

### CHAPTER III

#### NATIONAL BOARD FOR ANTI-DOPING IN SPORTS

7. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established, for the purposes of this Act, a Board to be called the National Board for Anti-Doping in Sports.

Establishment  
and  
constitution of  
National  
Board for  
Anti-Doping  
in Sports.

(2) The Board shall consist of a Chairperson and two Members to be appointed by the Central Government:

Provided that no person shall be appointed as the Chairperson or Member of the Board, or continue to hold such position, if such person is involved in the management or operation of any International Federation, National Sports Federation, Major Event

Organisation, National Olympic Committee, National Paralympic Committee or is in the Government department with responsibility for sport or anti-doping.

(3) The Chairperson shall be a person of ability, integrity and standing who has knowledge and experience of not less than twenty years in the field of general administration, sport administration or is a retired eminent athlete.

(4) A Member shall be a person of ability, integrity and standing who has knowledge and experience of not less than fifteen years in the field of general administration, medical sciences, law or is a retired eminent athlete.

*Explanation.*—For the purposes of this sub-section, the term "eminent athlete" means a sportsperson who has been conferred with a national sports award or Padma award for his outstanding contribution to the development of national sports in terms of medals won in international events.

(5) The term of office of the Chairperson and Members shall be three years or till they attain the age of sixty-five years, whichever is earlier.

(6) In the event of the occurrence of a vacancy in the office of the Chairperson or Member by reason of death, resignation or otherwise, or, when the Chairperson or Member is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may assign temporary charge of such office to any person who fulfils the requisite qualification and experience as provided in section 7, and such person shall discharge the functions of the Chairperson or Member, as the case may be, until a new Chairperson or Member, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office, or until the date on which the Chairperson or Member resumes the charge of his functions.

(7) The Chairperson or a Member shall not accept, either during his term of office or for a period of one year from the date on which he ceases to hold office, any employment, in any capacity whatsoever, with any International Federation or National Sports Federation or with any organisation, body or entity whose matter has been dealt with, directly or indirectly, by such Chairperson or Member:

Provided that nothing contained herein shall be construed as preventing such person from accepting an employment in a body or institution controlled or maintained by the Central Government or a State Government.

(8) The Chairperson or a Member may—

(a) relinquish his office by giving in writing to the Central Government, a notice of not less than three months; or

(b) be removed from his office by the Central Government, if he—

(i) has been adjudged an insolvent; or

(ii) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(iii) has become physically or mentally incapable of acting as a Member; or

(iv) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(v) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(vi) has been found to have committed any Anti-Doping Rule Violation:

Provided that no person shall be so removed from his office under sub-clause (iv) or sub-clause (v) of clause (b), unless such person has been given a reasonable opportunity of being heard in the matter.

(9) The salaries and allowances payable to, and other conditions of service of, the Chairperson and members shall be such as may be as prescribed.

**8.** (1) The Board shall meet at such times and places, and shall observe such procedure with regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations made by the Board.

Meetings of Board.

(2) Every decision of the Board shall, as far as possible, be on the basis of a simple majority.

(3) No act or proceeding of the Board shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board;

(b) any defect in the appointment of a person acting as a member of the Board;

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

**9.** (1) The Central Government shall provide the Board with such officers and employees as may be necessary for the efficient discharge of its functions under this Act.

Officers and employees of Board.

(2) The salaries and allowances payable to, and other conditions of service of, officers and other employees of the Board shall be such as may be prescribed.

**10.** (1) Subject to the provisions of this Act, the Board shall be responsible for ensuring implementation of the international obligations and commitments and monitoring the compliance thereof.

Powers and functions of Board.

(2) The Board shall advise the Central Government and make recommendations relating to regulating anti-doping in sports and international obligations and commitments.

(3) The Board shall oversee the activities of the Agency and may call for such information and reports from the Agency as may be required including reports on—

(a) the activities of Agency towards ensuring compliance with the anti-doping rules;

(b) matters of integrity and fair play in sports;

(c) implementation of the notified or adopted anti-doping measures or policies;

(d) strategic planning of its anti-doping activities for the forthcoming years;

(e) any other matter which the Board may deem expedient for fulfilling the objective of eliminating doping in Sports.

(4) The Board may make such recommendations to the Agency as may be necessary for elimination of doping in sport.

(5) The Board may call for such information from the Disciplinary Panel and the Appeal Panel on its operations and issue such directions, as may be necessary, for the effective and timely discharge of their functions with respect to Anti-Doping Rule Violations under this Act:

Provided that such directions shall be limited to procedural efficiency of the Disciplinary Panel and the Appeal Panel and shall not, in any case, interfere with their decision making process.

**11.** (1) The Board shall, for the purpose of determining the consequences of Anti-Doping Rule Violations under this Act, constitute a National Anti-Doping Disciplinary Panel, in such manner as may be specified by regulations.

Disciplinary Panel.

(2) The Disciplinary Panel shall consist of—

(a) a Chairperson, who is a legal expert, having not less than ten years of standing as legal practitioner;



(b) four Vice-Chairpersons, who are legal experts, having not less than seven years of standing as legal practitioners;

(c) five members, who are registered medical practitioners, having not less than five years of standing;

(d) five members, who are sports administrators for not less than five years or retired eminent athletes.

(3) The Chairperson, Vice-Chairperson and other members of the Disciplinary Panel shall be appointed by the Board for a term of two years, in such manner and subject to such conditions, as may be specified by regulations:

Provided that each member shall be eligible for reappointment.

(4) If a member of Disciplinary Panel dies or resigns, or is otherwise removed from the Panel by the Board on such grounds as may be specified by regulations, the Board may appoint a suitable person to fill such vacancy for the remainder of the term of the member in whose place such person is appointed.

(5) For the purposes of hearing and determining consequences of Anti-Doping Rule Violations under this Act, a hearing panel of three members shall be formed by the Chairperson of the Disciplinary Panel or in his absence, by the Vice-Chairperson; and each such panel shall consist of the Chairperson or the Vice-Chairperson as its Chairperson, one member who is a medical practitioner and other member who is a sports administrator or retired eminent athlete.

Appeal Panel.

**12.** (1) For the purposes of hearing of appeals under this Act, the Board shall constitute a National Anti-Doping Appeal Panel, in such manner as may be specified by regulations.

(2) The Appeal Panel shall consist of—

(a) a Chairperson, who is a retired Judge of a High Court;

(b) a Vice-Chairperson, who is a legal expert, having not less than ten years of standing as legal practitioner;

(c) two members, who are registered medical practitioners, having not less than ten years of standing;

(d) two members, who are, or have been, retired eminent athletes or sports administrators for not less than ten years.

(3) The Chairperson, Vice-Chairperson and other members of the Appeal Panel shall be appointed by the Board for a term of two years, in such manner and subject to such conditions, as may be specified by regulations:

Provided that each member shall be eligible for reappointment.

(4) If a Panel member dies or resigns, or is otherwise removed from the Panel by the Board on such grounds as may be specified by regulations, the Board may appoint a suitable person to fill such vacancy for the remainder of the term of the member in whose place such person is appointed.

(5) For the purposes of hearing of appeals under this Act, a panel of three members shall be formed by the Chairperson of the Appeal Panel or in his absence, by the Vice-Chairperson; and each such panel shall consist of the Chairperson or the Vice-Chairperson as its Chairperson, one member who is a medical practitioner and other member who is a sports administrator or retired eminent athlete.

Annual report.

**13.** (1) The Board shall furnish to the Central Government an annual report containing such details of the steps taken, proposals made, researches undertaken and other measures undertaken by it in pursuance of its functions under section 10, in such form and manner as may be prescribed.

(2) The Central Government shall cause the annual report furnished under sub-section (1) to be laid before each House of Parliament.



## CHAPTER IV

## NATIONAL ANTI-DOPING AGENCY

14. (1) The National Anti-Doping Agency, established as a society and functioning as such, prior to the coming into force of this Act, is hereby constituted a body corporate by the same name, and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by that name, sue and be sued.

Incorporation  
of National  
Anti-Doping  
Agency.

(2) The Head Office of the Agency shall be at New Delhi.

(3) The Agency shall be headed by an officer designated as the Director General to be appointed by the Central Government:

Provided that the Director General appointed prior to the commencement of this Act and holding the office as such, shall be deemed to have been appointed as the Director General under this Act.

(4) The Central Government shall, in consultation with the Board and the Director General, determine the number, nature and categories of officers and other staff required to assist the Agency in the discharge of its function and provide the Agency with such officers and employees as it may deem fit.

(5) The salaries and allowances payable to, and other terms and conditions of service of, the Director General, officers, and other staff of the Agency shall be such as may be prescribed.

(6) The power to oversee the activities of the Agency shall vest in the Board.

15. (1) The Director General shall be appointed by the Central Government from amongst persons of integrity and outstanding ability possessing such qualifications and experience as may be prescribed.

Director  
General.

(2) The Director General shall hold office on full-time basis for a period of three years, which may be extended to such further period, as the Central Government deems fit.

(3) The Director General shall be responsible for the execution of the powers and functions of the Agency specified in section 16.

(4) The Board may assign such responsibilities to the Director General from time to time as it may deem expedient for fulfilling the objective of eliminating doping in sport.

(5) In the event of the occurrence of a vacancy in the office of the Director General by reason of his death, resignation or otherwise, the Central Government may appoint any other person to discharge the functions of the Director General until a new Director General is appointed in accordance with the provisions of this Act to fill such vacancy.

(6) When the Director General is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may appoint any other person to act as the Director General until the date on which the Director General resumes the charge of his functions.

(7) The Director General may relinquish his office by giving in writing to the Central Government a notice of not less than three months:

Provided that such resignation shall be effective from the date when it is accepted by the Central Government.

(8) The Central Government may remove the Director General at any time before the expiry of his term of office on the ground of proven misbehavior or incapacity or such other ground, after giving him a reasonable opportunity of showing cause against any such charge.

(9) The Director General shall have administrative control over the officers and other staff of the Agency.

Powers and  
functions of  
Agency.

**16.** (1) The Agency shall be responsible for adopting and implementing anti-doping rules, regulations and policies which conform to international obligations and commitments for promoting, coordinating and monitoring the doping control programme in sports to ensure dope-free sport.

(2) The Agency shall have the primary responsibility to implement the provisions of this Act and may direct the collection of samples, manage test results and conduct results management at the national level.

(3) Without prejudice to the generality of the foregoing provisions, the Agency shall perform the following functions, namely:—

(a) the planning, coordination, implementation and monitoring of anti-doping activities, including effective testing and whereabouts management;

(b) taking measures to prevent Anti-Doping Rule Violations;

(c) undertaking anti-doping sensitisation and advocacy measures;

(d) carrying out investigation and conducting results management of any Anti-Doping Rule Violations;

(e) adopting and implementing anti-doping rules and policies which conform to international obligations and commitments and perform its functions in accordance with such rules and policies;

(f) implementing the Convention in accordance with the Act;

(g) enforcing anti-doping rules by exercising authority over athletes, athlete support personnel and other persons, including National Sports Federations and other sports organisations;

(h) promoting anti-doping research;

(i) coordinating and cooperating with the World Anti-Doping Agency, Other Anti-Doping Organisations, National Sports Federations and International Federations;

(j) coordinate and collaborate with concerned authorities and stakeholders in matters relating to establishment of best practices in the marketing and distribution of nutritional supplements including information regarding their analytical composition and quality assurance;

(k) facilitating sharing and free flow of information relating to the use of doping substances, doping practices or any Anti-Doping Rule Violation between sports bodies, officials conducting competition or event, Other Anti-Doping Organisations and the Agency;

(l) establishing code of conduct for officers and employees of the Agency and for such other persons or agencies engaged by the Agency;

(m) establishing standards for the manufacturing of nutritional supplements for sport in India;

(n) undertaking any other activity specified by regulations by the Board that may be expedient for fulfilling the objective of eliminating doping in sport.

(4) The Agency may make such regulations, as it deems necessary, for the effective discharge of its functions.

Power to  
constitute  
committees.

**17.** The Agency may constitute such committees, as it deems fit, for the discharge of its function under this Act, including Therapeutic Exemption Committee, Investigation Committee, Sample Collection and Testing Committee, Result Management Committee and Education Committee, in such manner as may be specified by regulations.

**18.** (1) Where the Agency considers it necessary so to do, it may constitute one or more investigation teams, consisting of such officers or such persons, as it thinks necessary, for the purposes of carrying out its functions under this Act.

Constitution of investigation teams and engagement of experts and professionals by Agency.

(2) The Agency may engage such number of experts and professionals, having such qualifications and experience, and in such manner, as may be specified by regulations, to assist the Agency in the discharge of its functions under this Act.

## CHAPTER V

### DOPING CONTROL PROCESS

**19.** (1) Where the Agency has reasons to believe that an athlete or athlete support personnel or any other person to whom this Act applies has committed an Anti-Doping Rule Violation, any person authorised by the Agency may, in accordance with the provisions of the Code of Criminal Procedure, 1973,—

Power of entry, search and seizure.

(a) enter any place, at all reasonable times, with such assistance as is considered necessary, for the purpose of inspecting, examining and determining if any Anti-Doping Rule Violation has been committed or is being committed;

(b) search any premises in which the officer has reason to believe that any Anti-Doping Rule Violation has been, or is being, or is about to be, committed;

(c) seize any equipment, device, substance, record, register, document or other material object, if such officer believes that it may furnish evidence of such Anti-Doping Rule Violation or that seizure is necessary to prevent or mitigate any Anti-Doping Rule Violation.

(2) Save as otherwise provided in this Act, the procedure for investigation or taking any other action under this section shall be such as may be specified by regulations.

**20.** Where the Agency has reasons to believe that an athlete has committed an Anti-Doping Rule Violation, it shall require such athlete to submit samples for testing, in accordance with such procedure and in such manner, as may be specified by regulations.

Power of collecting samples and testing.

**21.** (1) After receiving an adverse report from a dope testing laboratory showing presence of any prohibited substance in the sample of an athlete, the Agency shall carry out initial examination of the report in such manner as may be specified by regulations, and verify if Therapeutic Use Exemption has been granted to such athlete in respect of such substance.

Result management process.

(2) Where, after examination and verification under sub-section (1), the Agency is satisfied that no Therapeutic Use Exemption has been granted to the athlete, it shall take such actions and in such manner as may be specified by regulations.

**22.** (1) After the issuance of a notice by the Agency to the athlete or other person asserting the commission of Anti-Doping Rule Violation under this Act, if such athlete or the other person does not waive his right of hearing in the manner specified by regulations, the Agency shall refer such matter to the Disciplinary Panel for hearing and determination of consequences of such Anti-Doping Rule Violation.

Hearing by Disciplinary Panel and determination of consequences thereof.

(2) The Disciplinary Panel shall hear and determine all issues arising from any matter which is referred to it, and determine the consequences of Anti-Doping Rule Violations.

(3) Every party shall have a right to be represented, and to have an interpreter, at their own cost.

(4) The Disciplinary Panel shall have power, at its own discretion, to appoint an expert to assist or advise it on such matters as it may require.

(5) Subject to such regulations as may be made by the Board, the Disciplinary Panel shall have power to regulate its own procedure.

(6) Each party to the proceedings shall have right to present the evidence, including the right to call and question witnesses, subject to the discretion of the Disciplinary Panel.

(7) The parties to the proceedings may submit written submissions with all documents relied upon, in such manner and within such time, as may be specified by regulations.

(8) The Disciplinary Panel shall after hearing all parties and after considering all evidence placed before it, by an order in writing made unanimously or by majority, determine the consequences of Anti-Doping Rule Violations in accordance with the provisions of section 6 and the regulations made thereunder.

(9) The decision of the Disciplinary Panel shall be communicated in such manner, as may be specified by regulations.

Hearing of  
appeal by  
Appeal Panel.

23. (1) Any person who is aggrieved by any decision under this Act, including—

(a) a refusal to grant Therapeutic Use Exemption under section 5;

(b) imposition of consequences for an Anti-Doping Rule Violation under section 6;

(c) such other decision as may be specified by regulations,

may prefer an appeal to the Appeal Panel in such form, within such time, and in such manner, as may be specified by regulations.

(2) Subject to such regulations as may be made by the Board, the Appeal Panel shall have power to regulate its own procedures.

(3) The Appeal Panel shall have power, at its own discretion, to appoint an expert to assist or advice it on such matters as it may require.

(4) Every party shall have a right to be represented, and to have an interpreter, at their own cost.

(5) Each party to the proceedings shall have right to present relevant evidence, to call and examine witnesses and to submit written and oral submissions.

(6) The Appeal Panel shall complete hearing as expeditiously as possible, and endeavour shall be made to dispose of such appeal within three months of the date of order of the Disciplinary Panel.

(7) The Appeal Panel shall, after hearing all parties and considering all evidences placed before it, by an order in writing, made unanimously or by majority, either confirm or vary or set aside the order of the Disciplinary Panel.

(8) The decision of the Appeal Panel shall be communicated to the parties concerned, in such manner, as may be specified by regulations.

(9) Any person who is aggrieved by the decision of the Appeal Panel may prefer an appeal to the Court of Arbitration for Sport, in accordance with such rules as may be provided by the Court of Arbitration for Sport.

*Explanation.*—For the purposes of this sub-section, "Court of Arbitration for Sport" means an international body established in 1984 to settle disputes related to sport through arbitration whose headquarter is in Lausanne, Switzerland.

## CHAPTER VI

### FINANCE, ACCOUNTS, AUDIT AND REPORTS

Grants by  
Central  
Government.

24. The Central Government may, after due appropriation made by Parliament by law in this behalf, grant such sums of money as the Central Government may think fit for being utilised for the purposes of this Act and to comply with its commitments under the Convention, and such funds shall be utilised to meet all the expenses incurred on administrative and operational requirements of the Board, the Agency and the National

Dope Testing Laboratory established under sub-section (1), or under clause (b) of sub-section (2), of section 26 (hereafter in this Chapter referred to as the concerned bodies), in such manner as may be specified by regulations.

**25.** (1) The concerned bodies shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. Accounts and audit.

(2) The accounts of the concerned bodies shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the concerned bodies to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the concerned bodies shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the concerned bodies.

(4) The accounts of the concerned bodies as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the concerned bodies and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

## CHAPTER VII

### MISCELLANEOUS

**26.** (1) The National Dope Testing Laboratory, established and functioning as such prior to the commencement of this Act shall be deemed to be the principal dope testing laboratory established under this Act and shall continue to function for the purposes of this Act in such manner as may be prescribed. Dope testing laboratories.

(2) The Central Government may,—

(a) recognise one or more laboratories or institutes located within India as dope testing laboratories to carry out the functions entrusted to a dope testing laboratory under this Act or the rules and regulations made thereunder;

(b) establish one or more National Dope Testing Laboratories, including laboratories for undertaking research in anti-doping science and related fields:

Provided that every dope testing laboratory recognised or established under this section may, if required, obtain the accreditation of the World Anti-Doping Agency or of such other accrediting bodies, and shall maintain the requisite accreditations as a condition for continuation as a dope testing laboratory under this Act.

(3) Every National Dope Testing Laboratory and other dope testing laboratories established or recognised under this section shall have the authority to—

(i) test the sample for any sports federation or sports event not recognised by the International Olympic Committee or the Central Government;

(ii) undertake sample analysis of sports other than any national or international event;

(iii) undertake any other tests or samples analysis as may be prescribed.

(4) The Central Government may make rules to provide for—

(a) the qualifications and experience for appointment as technical and non-technical staff of the National Dope Testing Laboratory;

(b) the salaries and allowances payable to, and other conditions of service of, the technical and non-technical staff of the National Dope Testing Laboratory;

(c) the standards for establishment, recognition, maintenance and operation of a dope testing laboratory and the manner of granting recognition to such dope testing laboratory;

(d) the functions of the dope testing laboratory, the procedure for submission to the said laboratory of samples for analysis or tests and other standard operative procedures.

Data of athletes and maintenance of database.

**27. (1)** The Agency shall have the power to collect, use and process the following personal data for the purposes of implementation of the objectives of the Act and in accordance with applicable data privacy regulations, namely:—

(a) sex or gender of the athlete;

(b) list of Anti-Doping Rule Violations committed by an athlete under the Act and the details of such violation;

(c) medical history of the athlete;

(d) whereabouts information of the athlete;

(e) any other personal data as may be specified by regulations.

(2) The Agency may make regulations to govern the procedure for collection, usage, processing and disclosure of the personal data specified in sub-section (1).

(3) The Agency shall establish and maintain a database to record all the sanctions awarded by the Agency, the Disciplinary Panel and the Appeal Panel and such other details of the sanctions, in such manner, as may be specified by regulations.

(4) The Agency shall publicly disclose the disposition of the anti-doping matter, including the sport, the anti-doping rule violated, the name of the athlete or other person committing the Anti-Doping Rule Violation, the prohibited substance or prohibited method involved (if any) and the consequences imposed, in accordance with such procedure as may be specified by regulations.

Application of Act, rules and regulations to other athletes and sports bodies, etc.

**28. (1)** The provisions of this Act and the rules and regulations made thereunder shall apply to such other athletes or sport bodies, or to competition or event at such other level, as the Central Government may, by notification in the Official Gazette, specify.

(2) Every person to whom this Act is made applicable under sub-section (1), shall be bound by, and have the obligation to comply with, the provisions of this Act and the rules and regulations made thereunder.

Power to make rules.

**29.** The Central Government may, by notification in the Official Gazette, make rules for all or any of the following matters, namely:—

(a) the protected persons and the extent and manner of application of the provisions of this Act to such persons under sub-section (6) of section 3;

(b) the salaries and allowances payable to, and other conditions of service of, the Chairperson and Members of the Board under sub-section (9) of section 7;

(c) the salaries and allowances payable to, and other conditions of service of, officers and other employees of the Board under sub-section (2) of section 9;

(d) the form and the manner in which an annual report shall be furnished under sub-section (1) of section 13;

(e) the salaries and allowances payable to, and other conditions of service of, the Director General, officers and other staff of the Agency under sub-section (5) of section 14;



(f) the qualifications and experience for appointment as Director General under sub-section (1) of section 15;

(g) the form in which annual statement of accounts shall be prepared under sub-section (1) of section 25;

(h) the manner in which the National Dope Testing Laboratory shall carry out its functions under sub-section (1) of section 26;

(i) the manner of undertaking other tests or samples analysis under clause (iii) of sub-section (3) of section 26;

(j) the qualifications and experience for appointment as technical and non-technical staff of the National Dope Testing Laboratory, under clause (a) of sub-section (4) of section 26;

(k) the salaries and allowances payable to and other conditions of service of the technical and non-technical staff of the National Dope Testing Laboratory, under clause (b) of sub-section (4) of section 26;

(l) the standards for establishment, recognition, maintenance and operation of dope testing laboratories and the manner of granting recognition to such laboratories, under clause (c) of sub-section (4) of section 26;

(m) the functions of the dope testing laboratory and the procedure for the submission to the said laboratory of samples for analysis or tests, under clause (d) of sub-section (4) of section 26;

(n) any other matter which has to be, or may be, prescribed, for fulfilling obligations of the country under the Convention.

**30.** The Board may, by notification in the Official Gazette, make regulations, not inconsistent with the provisions of this Act, for all or any of the following matters, namely:—

Power to make regulations by Board.

(a) the times and places for meetings and the procedure for transaction of business at meetings of the Board (including the quorum), under sub-section (1) of section 8;

(b) the manner of constituting a Disciplinary Panel under sub-section (1) of section 11;

(c) the manner of appointment of the Chairperson and Vice-Chairperson and other members of the Disciplinary Panel and the conditions subject to which such appointments shall be made under sub-section (3) of section 11;

(d) the grounds on which a member of Disciplinary Panel may be removed under sub-section (4) of section 11;

(e) the manner of constituting an Appeal Panel under sub-section (1) of section 12;

(f) the manner of appointment of the Chairperson and Vice-Chairperson and other members of the Appeal Panel and the conditions subject to which such appointments shall be made under sub-section (3) of section 12;

(g) the grounds on which a member of Appeal Panel may be removed under sub-section (4) of section 12;

(h) the other activities to be undertaken by the Agency for eliminating doping in sport under clause (n) of sub-section (3) of section 16;

(i) the procedure to be followed by the Disciplinary Panel under sub-section (5) of section 22;

(j) the manner in which, and the time within which, written submissions may be submitted under sub-section (7) of section 22;

(k) the manner of communicating the decision of the Disciplinary Panel under sub-section (9) of section 22;

(l) the other decisions against which appeal may be filed, and the form and manner in which and the time within which appeal may be filed, under sub-section (1) of section 23;

(m) the procedure to be followed by the Appeal Panel under sub-section (2) of section 23;

(n) the manner of communicating the decision of the Appeal Panel under sub-section (8) of section 23;

(o) any other matter which has to be, or may be, specified by regulations, for giving effect to the provisions of this Act or for fulfilling obligations under the Convention, except on matters for which the Agency has power to make regulations under section 31.

Power to  
make  
regulations by  
Agency.

**31. (1)** The Agency may, for complying with the requirements of international obligations and commitments including the Code, make regulations on the following matters:—

(a) the procedure, methods and standards for testing and analysis and sample collection;

(b) the procedure and standards for collection, storage and retention of samples and results management in relation to samples;

(c) the procedure for investigation and determination of Anti-Doping Rule Violations and imposition of sanctions for an Anti-Doping Rule Violation;

(d) the procedures for negative analytical findings and adverse analytical findings, and principles governing the provisional suspension of an athlete or other person alleged to have committed an Anti-Doping Rule Violation;

(e) the procedures, methods and standards for assessing and granting Therapeutic Use Exemptions;

(f) the procedure for re-entry of a banned athlete;

(g) the procedure to be followed for in-competition testing of athletes, methodology for testing and any matters pertaining to in-competition testing of athletes;

(h) the procedure for qualifying athletes for out-of-competition testing and procedure for undertaking out-of-competition testing of athletes, collection of whereabouts data of such athletes and any matters pertaining to out-of-competition testing of athletes;

(i) the measures for promotion of research and advocacy in relation to sports doping and testing and methods for sensitising athletes, athlete support personnel, other persons and other concerned stakeholders in relation to the ills of doping;

(j) the manner of implementing anti-doping control activities and anti-doping education, training and sensitisation programmes to provide updated and accurate information on the harm of doping to the ethical values of sport and the health consequences of doping;

(k) the procedure for search and seizure of premises, collection of samples, and collection of information and whereabouts data, and consequences for wilful delay, obstruction, destruction or provision of false information by any person in relation to any exercise of power by an empowered person under this Act;



(l) the manner of taking measures for eradicating doping in sports;

(m) the manner in which the sports bodies, officials conducting competition or event and other Anti-Doping Organisations may share information relating to the use of doping substances, doping practices or any Anti-Doping Rule Violation with the Agency;

(n) the manner in which the recommendations made by the Board may be considered by the Agency.

(2) In particular, and without prejudice to the generality of the foregoing power, the Agency may make regulations, for giving effect to the provisions of the Act, on all or any of the following matters:—

(a) the prohibited substances and prohibited methods in the Prohibited List under clause (za) of section 2;

(b) the other omissions or failures under clause (iii) of the *Explanation* to clause (d) of section 4;

(c) the prohibited association with athlete support personnel under clause (j) of section 4;

(d) the other circumstances, or engaging in other acts or conduct, which amounts to Anti-Doping Rule Violation, under clause (l) of section 4;

(e) the manner of considering the application and the criteria to be taken into consideration under sub-section (2) of section 5;

(f) the manner of granting or refusing to grant Therapeutic Use Exemptions under sub-section (3) of section 5;

(g) the manner of imposing disqualification of results under clause (a) of sub-section (l) of section 6;

(h) the manner of imposing ineligibility to participate in any competition or event or other activity or funding, and the period of such ineligibility, under clause (b) of sub-section (l) of section 6;

(i) the manner of imposing provisional suspension from participating in any competition or activity under clause (c) of sub-section (l) of section 6;

(j) the manner of imposing financial sanction including proportionate recovery of costs under clause (d) of sub-section (l) of section 6;

(k) other consequences under clause (e) of sub-section (l) of section 6;

(l) the consequences of Anti-Doping Rule Violations for team sports and protected persons under sub-section (2) of section 6;

(m) the code of conduct for officers and employees of the Agency and for such other persons or agencies engaged by the Agency, under clause (l) of sub-section (3) of section 16;

(n) the effective discharge of functions of the Agency under sub-section (4) of section 16;

(o) the manner of constituting committees under section 17;

(p) the number of experts and professionals to be engaged by the Agency, the qualifications and experience to be possessed by them, and the manner in which they may be engaged, under sub-section (2) of section 18;

(q) the procedure for investigation or taking any other action, under sub-section (2) of section 19;

(r) the procedure and the manner for submitting samples for testing under section 20;

(s) the manner of carrying out the initial examination of the report of a dope testing laboratory under sub-section (1) of section 21;

(t) the actions to be taken, and the manner in which such actions may be taken, under sub-section (2) of section 21;

(u) the manner of waiving right of hearing under sub-section (1) of section 22;

(v) other personal data under clause (e) of sub-section (1) of section 27;

(w) the procedure for collection, usage, processing and disclosure of the personal data under sub-section (2) of section 27;

(x) the other details of the sanctions, and the manner of establishing and maintaining a database under sub-section (3) of section 27;

(y) the procedure for making public disclosure under sub-section (4) of section 27;

(z) any other matter which has to be, or may be, specified by regulations.

Rules and regulations to be laid before Parliament.

**32.** Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to remove difficulties.

**33.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of five years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Transitional provisions.

**34.** On and from the commencement of this Act,—

(a) the Societies, namely, the National Anti-Doping Agency and the National Dope Testing Laboratory shall stand dissolved;

(b) any reference to the Society in any contract or other instrument shall be deemed as a reference to the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, established under this Act;

(c) all properties, movable and immovable, of or belonging to the Society shall vest in the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, established under this Act;

(d) all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of, the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, established under this Act;

(e) every person employed by the Society, immediately before such commencement, shall hold office in the National Anti-Doping Agency or the National

Dope Testing Laboratory, as the case may be, by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been enacted, and shall continue to be so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by any regulations made under this Act:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment, to him by the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, of compensation equivalent to three months' remuneration in case of permanent employees and one month's remuneration in the case of other employees;

(f) if there are any pending proceedings, including any disciplinary, arbitration, appeal or other legal proceedings, of whatever nature, by or against the Society, the same shall not get abated or discontinued by reason of the incorporation of the Society under this Act, but such proceedings may be continued or enforced by or against the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, in the same manner and to the same extent as it would or may have been continued or enforced by or against the society, if this Act had not been enacted;

(g) any rules and regulations made prior to such commencement, shall, in so far as they are consistent with the provisions of this Act, continue to be applicable till new rules and regulations are made under this Act.

DR. REETA VASISHTA,  
*Secretary to the Govt. of India.*

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-83**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 30 ಕೇಶಾಪು 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12.09.2022.  
ದಿನಾಂಕ: 12.08.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ  
Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE FAMILY COURTS (AMENDMENT) ACT, 2022  
(NO. 16 OF 2022) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು  
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-12082022-238066  
CG-DL-E-12082022-238066

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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सं० 18]	नई दिल्ली, शुक्रवार, अगस्त 12, 2022/ श्रावण 21, 1944 (शक)
No. 18]	NEW DELHI, FRIDAY, AUGUST 12, 2022/SRAVANA 21, 1944 (SAKA)

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 12th August, 2022/Sravana 21, 1944 (Saka)*

The following Act of Parliament received the assent of the President on the 12th August, 2022 and is hereby published for general information:—

### THE FAMILY COURTS (AMENDMENT) ACT, 2022

No. 16 OF 2022

[12th August, 2022.]

An Act further to amend the Family Courts Act, 1984.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Family Courts (Amendment) Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

66 of 1984.

2. In the Family Courts Act, 1984 (hereinafter referred to as the principal Act), in section 1, in sub-section (3), the following proviso shall be inserted, namely:—

Amendment of  
section 1.

“Provided that it shall be deemed to have come into force in the State of Himachal Pradesh with effect from the 15th February, 2019 and in the State of Nagaland with effect from the 12th September, 2008.”

Insertion of  
new section 3A.

3. After section 3 of the principal Act, the following section shall be inserted, namely:—

Validation of  
certain  
actions.

“3A. (1) The establishment of Family Courts in the State of Himachal Pradesh with effect from the 15th February, 2019 and in the State of Nagaland with effect from the 12th September, 2008 shall be deemed to be valid and always to have been valid as if the notification for appointing the date for bringing this Act in force in the States of Himachal Pradesh and Nagaland, as required under sub-section (3) of section 1, had been issued by the Central Government with effect from such dates.

(2) Anything done, any action taken, any appointment made, any duty performed, any rules made, any notification issued or purported to have been done, taken, performed, made or issued under this Act in the States of Himachal Pradesh and Nagaland prior to the commencement of the Family Courts (Amendment) Act, 2022 shall be deemed to have been validly done, taken, performed, made or issued, as the case may be, under the provisions of this Act.

(3) Every order of appointment of a person as a Judge of a Family Court and every order of posting, promotion or transfer, as the case may be, made under this Act in the States of Himachal Pradesh and Nagaland prior to the commencement of the Family Courts (Amendment) Act, 2022 shall be deemed to be validly made under the provisions of this Act.

(4) Every power exercised and function performed, every matter dealt with, every proceeding undertaken, every order, judgment, decree or sentence passed and every other act done by the Family Courts in the States of Himachal Pradesh and Nagaland prior to the commencement of the Family Courts (Amendment) Act, 2022 shall be deemed to be validly exercised, performed, dealt with, undertaken, passed or done under the provisions of this Act.”.

DR. REETA VASISHTA,  
*Secretary to the Govt. of India.*

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-84**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 31 ಕೇಶಾಪು 2022

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12.09.2022.

ದಿನಾಂಕ: 17.08.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE CENTRAL UNIVERSITIES (AMENDMENT) ACT, 2022 (NO. 17 OF 2022) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-17082022-238147  
CG-DL-E-17082022-238147

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 19] नई दिल्ली, बुधवार, अगस्त 17, 2022/ श्रावण 26, 1944 (शक)  
No. 19] NEW DELHI, WEDNESDAY, AUGUST 17, 2022/SRAVANA 26, 1944 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 17th August, 2022/Sravana 26, 1944 (Saka)*

The following Act of Parliament received the assent of the President on the 16th August, 2022 and is hereby published for general information:—

### THE CENTRAL UNIVERSITIES (AMENDMENT) ACT, 2022

No. 17 OF 2022

[16th August, 2022.]

An Act further to amend the Central Universities Act, 2009.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Universities (Amendment) Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

25 of 2009.

2. In the Central Universities Act, 2009 (hereinafter referred to as the principal Act), in section 2, after clause (j), the following clause shall be inserted, namely:—

Amendment of  
section 2.

‘(ja) “Gati Shakti Vishwavidyalaya” means the University established under section 3F;’.



Insertion of  
new section  
3F.

Establishment  
of Gati Shakti  
Vishwavidyalaya  
in Gujarat.

Amendment  
of section 4.

**3.** After section 3E of the principal Act, the following section shall be inserted, namely:—

“3F. (1) The National Rail and Transportation Institute, Vadodara, Gujarat, declared as a deemed to be University under section 3 of the University Grants Commission Act, 1956, shall be established as a body corporate under this Act by the name Gati Shakti Vishwavidyalaya.

3 of 1956.

(2) The territorial jurisdiction of Gati Shakti Vishwavidyalaya shall extend to the whole of India, as specified in the First Schedule to this Act.

(3) The Gati Shakti Vishwavidyalaya shall be sponsored and funded by the Central Government in the Ministry of Railways.”.

**4.** In section 4 of the principal Act,—

(i) in clause (e), for the words “whichever is earlier; and”, the words “whichever is earlier;” shall be substituted;

(ii) after clause (f), the following clauses shall be inserted, namely:—

“(g) any reference to the National Rail and Transportation Institute, Vadodara, in any contract or other instrument shall be deemed as a reference to Gati Shakti Vishwavidyalaya established under this Act;

(h) all properties, movable and immovable, of or belonging to the National Rail and Transportation Institute, Vadodara, shall vest in Gati Shakti Vishwavidyalaya established under this Act;

(i) all rights and liabilities of the National Rail and Transportation Institute, Vadodara, shall be transferred to, and be the rights and liabilities of Gati Shakti Vishwavidyalaya established under this Act;

(j) every person employed by the National Rail and Transportation Institute, Vadodara, immediately before the commencement of the Central Universities (Amendment) Act, 2022 shall hold his office or service in Gati Shakti Vishwavidyalaya established under this Act with the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if the Central Universities (Amendment) Act, 2022 had not been enacted and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the University in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment, to him by the University, of compensation equivalent to three months’ remuneration in case of permanent employees and one month’s remuneration in the case of other employees;

(k) any reference, by whatever form of words, to the Vice-Chancellor and Pro-Vice-Chancellor of the National Rail and Transportation Institute, Vadodara, in any law for the time being in force, or in any instrument or other document, shall be construed as reference to the Vice-Chancellor and Pro-Vice-Chancellor of Gati Shakti Vishwavidyalaya; and

(l) the incumbent Vice-Chancellor of the National Rail and Transportation Institute, Vadodara, shall hold office for a period of six months from the date of coming into force of the Central Universities (Amendment) Act, 2022 or till such time the first Vice-Chancellor of Gati Shakti Vishwavidyalaya is appointed under section 44, whichever is earlier.”.

5. In section 5 of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

Amendment  
of section 5.

“Provided further that the Gati Shakti Vishwavidyalaya established as an University under section 3F shall take additional measures for providing high quality teaching, research and skill development in diverse disciplines related to transportation, technology and management including establishing centres in India and abroad, as may be required in the opinion of the said University.”.

6. In the First Schedule to the principal Act, after serial number 5 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

Amendment  
of First  
Schedule.

“5A. Gujarat      Gati Shakti Vishwavidyalaya      Whole of India.”.

DR. REETA VASISHTA,  
*Secretary to the Govt. of India.*

## CORRIGENDA

In the Indian Antarctic Act, 2022 (13 of 2022), published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 8th August, 2022 issue No. 15,—

- (i) at page 16, in line 29, *for* “rupees, or with both”, *read* “rupees”;
- (ii) at page 16, in line 38, *for* “rupees, or with both”, *read* “rupees”;
- (iii) at page 20, in line 8, *for* “Every rule and”, *read* “Every rule made and”.

ಭಾಗ ೪

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಸೋಮವಾರ, ೧೯, ಸೆಪ್ಟೆಂಬರ್, ೨೦೨೨

೧೧೫೫

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-85**